

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

Board of Governors Meeting
Meeting Materials

September 8-9, 2023
Historic Davenport
Spokane, WA
Zoom and Teleconference



**Board of Governors Meeting
The Historic Davenport, Spokane, WA
September 8-9, 2023**

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 by Zoom teleconference:

Friday, September 8th : Meeting ID: 840 8296 2616 Passcode:600282
<https://wsba.zoom.us/j/84082962616?pwd=NkdhOXZmUng5OXowVm5xVkr0b3MwQT09>

Saturday, September 9th : Meeting ID: 880 5074 4822 Passcode: 689379
<https://wsba.zoom.us/j/88050744822?pwd=d0VxL1lrQ1hSbk1JRGNrWmYwKzdkQT09>

To participate by phone, call 1.888.788.0099

FRIDAY, SEPTEMBER 8, 2023

8:30 AM – CALL TO ORDER & WELCOME

WASHINGTON STATE BAR FOUNDATION ANNUAL MEETING

- ANNUAL MEETING OF THE WASHINGTON STATE BAR FOUNDATION**
President Hon. Tracy Flood 5

MEMBER & 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.

CONSENT CALENDAR

- 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 August 11-12, 2023 Board of Governors meeting minutes 7
 - Approve Client Protection Board gift recommendations 12
 - Approve FY24 Chair Appointments 13, 519
 - Approve Amendment to APR 6 Regulation 4-2(B)..... 24

- Approve Amendment to Low Bono Section Bylaws 65
- Approve Change to World Peace Through Law Section Dues 79
- Approve Revision to Proposed New Comments to RPC 1.2 and 8.4 Re Reproductive Health Care Services 81
- (NEW) Approve Presidential Appointments to DEI Council..... 526

STANDING REPORTS

- PRESIDENT’S REPORT** 430
- EXECUTIVE DIRECTOR’S REPORT** 85, 435

EXECUTIVE SESSION

- DISCUSSION OF NEXT STEPS FOR WSBA’S PHYSICAL SPACE**

AGENDA ITEMS & UNFINISHED BUSINESS

- BUDGET AND AUDIT COMMITTEE ITEMS**
 Treasurer Francis Adewale, Director of Finance Tiffany Lynch
 - **Approve Recommendation RE WSBA’s Physical Space** 96
 - **Approve Final Draft of FY 2024 Budget** 109, 438
 - **Approve Recommendation RE 2025 License Fees** 199

12:00 PM – LUNCH AND LOCAL HERO PRESENTATION

FORUM ON LEGAL EDUCATION

- DISCUSSION WITH LAW SCHOOL DEANS AND LAW CLERK BOARD LEADERS**
 Law Clerk Board Member Christell Casey, University of Idaho College of Law Dean Johanna Kalb, University of Washington School of Law Dean Tamara Lawson, Law Clerk Board Chair Emily Mowrey, Gonzaga University School of Law Dean Jacob Rooksby, Seattle University School of Law Dean Anthony Varona.

AGENDA ITEMS & UNFINISHED BUSINESS

- PERSONNEL COMMITTEE RECOMENDATIONS RE EXECUTIVE DIRECTOR’S EVALUATION** Chair Gov. Alec Stephens.....439
- APPROVE 2024 KELLER DEDUCTION FOR 2024 LICENSE FEES**
 General Counsel Julie Shankland, Director of Finance Tiffany Lynch..... 200

5:00 PM – RECESS

SATURDAY, SEPTEMBER 9, 2023

8:30 AM – RESUME MEETING

SPECIAL REPORTS

- FINAL REPORT & RECOGNITION OF THE EQUITY & DISPARITY WORKGROUP**
Gov. Alec Stephens 213
- NATIONAL CONFERENCE OF BAR EXAMINERS PRESENTATION ON THE NEXT GENERATION BAR EXAM**
NCBE Chief Strategy and Operations Officer Marilyn Wellington, NCBE Director of Diversity, Fairness, and Inclusion Research Danette McKinley, University of Oklahoma College of Law Professor Jon Lee 237
- WASHINGTON BAR LICENSURE TASK FORCE REPORT ON DRAFT RECOMMENDATIONS** Supreme Court Justice Raquel Montoya-Lewis, Seattle University School of Law Dean Anthony Varona .. 324

12:00 PM – RECESS FOR LUNCH

- ANNUAL REPORT OF THE LEGAL FOUNDATION OF WASHINGTON**
LFW Member Mike Pontarolo 448

AGENDA ITEMS & UNFINISHED BUSINESS

- NEXT STEPS FOR FY24 STRATEGIC PRIORITIES**
Executive Director Terra Nevitt 325

NEW BUSINESS

- GOVERNOR ROUNDTABLE**

MEETING FEEDBACK

- MEETING FEEDBACK**

SWEARING IN OF FY24 GOVERNORS AND OFFICERS

- SWEARING IN OF FY24 GOVERNORS AND OFFICERS**
Supreme Court Justice Debra L. Stephens

5:00 PM – ADJOURN

INFORMATION

- Annual Report of the Chief Hearing Officer..... 329
- ABA Annual Meeting Delegate Report 332
- Monthly Financial Reports, Unaudited..... 366
- General Information 413



To: WSBA Board of Governors
From: Tracy S. Flood, President
Re: 2023-24 Board of Trustees Appointments
Date: August 24, 2023

The Washington State Bar Foundation Board is pleased to present the proposed 2023-24 Board of Trustees roster.

The Washington State Bar Foundation is the fundraising arm of the WSBA. The current members of the WSBA Board of Governors constitute the membership of the Foundation. Per the Foundation's bylaws, the WSBA Executive Director serves as the Foundation's Secretary ex officio, the WSBA Immediate Past President serves as a trustee ex officio, and the WSBA President each year appoints a first year Governor to serve a three-year term on the Foundation Board. The remaining seats are recommended by the Foundation Board and appointed by the Board of Governors, convened as the members of the Foundation.

The Foundation Board has unanimously approved a slate that includes appointing the following (in addition to the continuing trustees):

- Brian Anderson (WSBA Member)
- Carolyn Powers (Law Student)
- Lucretia Robertson (Public Member)
- Isabel Vicuna (Public Member)

Additionally, please note that the Foundation Board recommends moving existing Trustee Maya Manus from the Law Student position to a WSBA Member position, as she has graduated law school and passed the Bar Exam.

Attachments:

- Proposed roster



2023-2024 Board of Trustees, Recommendation

POSITION	RECOMMENDATION	TERM, ending
WSBA 1 st Year Governor	<i>Appointed by 2023-2024</i> <i>BOG President</i> TBD	September 2026
WSBA 2 nd Year Governor	<i>Appointed by 2022-2023</i> <i>BOG President</i> Kari Petrasek	September 2025
WSBA 3 rd Year Governor	<i>Appointed by 2021-2022</i> <i>BOG President</i> Sunitha Anjilvel	September 2024
WSBA Past President or Governor	Tracy S. Flood, President	2 nd Regular Term, September 2026
WSBA Member	Brian Anderson, Treasurer	1 st Term, September 2026
WSBA Member	Peter Finch	2 nd Regular Term, September 2026
WSBA Member	Maya Manus	1 st Term, September 2026
WSBA Member	Susan Machler	1 st Regular Term, September 2025
Minority/Specialty Bar Rep.	Deb Wechselblatt	1 st Regular Term, September 2024
Law Student	Carolyn Powers	Graduation
Public Member	Lucretia Robertson	1 st Term, September 2026
Public Member	Isabel Vicuna	1 st Term, September 2026
At Large	Gloria Ochoa-Bruck	2 nd Term, September 2025
At Large	Rajeev Majumdar, Vice President	1 st Term, September 2024
At Large	Kristine Kuenzli	2 nd Term, September 2026
WSBA Immediate Past President	Daniel D. Clark	September 2024
WSBA Executive Director	Terra Nevitt, Secretary	Executive Director serves Ex Officio

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING MINUTES

Richland, WA

August 11-12, 2023

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 Dan Clark on Friday, June 23, at 9:06 AM. Governors in attendance were:

Sunitha Anjilvel
Lauren Boyd
Jordan Couch
Matthew Dresden
Kevin Fay
Erik Kaeding
Nam Nguyen
Kari Petrasek
Mary Rathbone
Alec Stephens
Brent Williams-Ruth

Also in attendance were Deputy Executive Director Dua Abudiab, President-Elect Hunter Abell, Gov. Elect Tom Ahearne, MCLE Chair Todd Alberstone, Gov. Elect Todd Bloom, Executive Administrator Shelly Bynum, Adam Chapman, Nic Doherty, Chief Disciplinary Counsel Doug Ende, Washington State Bar Foundation President Tracy Flood, Family Law Section Liaison Nancy Hawkins, Associate Director for Regulatory Services Bobby Henry, NWLawyer Editor Kristen Lacko, Gov. Elect Kristina Larry, Director of Finance Tiffany Lynch, Betsylew Mail-Gix, Outreach Specialist Mike Kroner, Executive Director Terra Nevitt, Chief Communications Officer Sara Niegowski, Broadcast Services Manager Rex Nolte, Director of Advancement Kevin Plachy, General Counsel Julie Shankland, Human Resources Director and Chief Culture Officer Glynnis Klinefelter Sio, Chief Equity & Justice Officer Diana Singleton, Ransom Smith, Hugh Spitzer, Public Records Counsel Szilvia Szilágyi, Janice Wang, Gov. Elect Allison Widney and Asia Wright.

Consent Calendar ([link](#))

Pres. Clark asked if anyone wished to remove an item from the consent calendar. Gov. Petrasek moved for approval. There was no discussion. Motion passed unanimously. Gov. Fay was not present for the vote.

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

Nancy Hawkins commented on phrasing used in the budget materials and timing of application steps in the admission materials related to the Next Generation Bar Exam.

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

Pres. Clark referred to his written report in the meeting materials.

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

Director Nevitt referred to her written report in the meeting materials.

Personnel Committee Report ([link](#))

Gov. Stephens highlighted that at the upcoming September Board meeting, the Personnel Committee will be presenting information regarding the Executive Director evaluation.

Governor Roundtable ([link](#))

Gov. Petrasek requested that staff engage the Governors when scheduling the listening tours so that they can attend as well. Discussion and responses followed.

Gov. Williams-Ruth continued, commenting on policies he'd like to be addressed by the Treasurer (fiscal year to align with calendar year and returning budget excesses back to members) and expressed his disappointment in the Board's lack of formal recognition of Pride month. Discussion and responses followed.

Gov. Stephens reported that he will not be following-up on his proposals with regard to meeting location and quorum but encouraged the Board to take up those topics next year.

Gov. Anjilvel urged the Board to take up the implications of artificial intelligence and its impact on the legal profession.

Gov. Rathbone shared her "Coffee with Your Governor" initiative to connect with WSBA members and the public in her district.

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

FY24 Budget

Director Lynch presented the second draft budget, which incorporated feedback and updated forecasts and changes. Director Lynch covered the major differences between the first and second drafts in direct and indirect costs and revenues, which combined to increase the budget for next fiscal year by about \$125,000. Director Lynch also mentioned that the FY24 budget includes new forecasts for how we will end up at the end of FY23. Discussion followed about whether sections are impacted by certain discounts in CLEs, what income our investment funds have earned this year, and what is happening in office-lease realty in Seattle. The budget will come back for approval in September.

2025 License Fee

Director Lynch commented that since 2012, the board has set each license fee on a year-by-year basis, with the license fee decision preceding the fiscal budget by about a year, with a gap to allow for a potential member referendum. Director Lynch noted that based on fiscal projections and likely future Board decisions with fiscal impact in 2026, the current proposal is to maintain the current cadence of annual fee

approval along with maintaining the current license fees rate of \$458 for 2025. Discussion followed about how to best use, bolster, or earmark funds in the unrestricted fund.

MCLE Board's Suggested Amendments to APR 11 to Require One CLE Credit Each in Mental Health and Technology Security ([link](#))

Chair Alberstone described the proposal to require one CLE credit every three years in Mental Health and Technology Security. He cited national statistics regarding the perils of inadequate technology security. Chair Wright spoke to a question about who might provide the technology-security credits, saying they are already being offered—and the WSBA previously committed (when the MCLE Board first brought a similar proposal to the board) to offering these credits to members for free.

Chief Disciplinary Counsel Ende commented that he welcomed the change to untangle the proposal from the ethics-credit requirements. Director Plachy echoed the comments that it will help CLE providers to be able to concentrate on the technology issues by making these standalone credits.

Discussion followed regarding a scenario where the technology credit would not be applicable to a lawyer's practice, whether there is an alternate method of education without requiring credits, how discipline data corresponds to the need for these credits, that a training once every three years is insufficient, a suggestion to create a short written piece of information about technology security, and the need to account for the mostly negative feedback about the proposal from members.

Gov. Couch moved to support the proposal, noting that attorneys in general have many options to acquire these types of credits, however, in the example of mental health, making it mandatory will help those that need a little bit of intervention get access to resources. Gov. Couch commented that the proposal is not a full solution, but a step forward and may help quite a bit.

Gov. Nguyen requested that the motion be split, and Gov. Couch accepted the request as a friendly amendment. The motion to support the proposal with respect to cyber security failed 4 -6. Gov. Williams-Ruth voted present. The motion to support the proposal with respect to mental health passed 6-5.

Executive Director Nevitt asked if the board would like to submit a letter to the Court explaining its decision. Discussion followed and there appeared to be consensus to not submit a letter or explanation.

Director Ende asked for permission to submit his own comment with respect to his concern about the diminution of ethics credits. Gov. Anjilvel moved to authorize Chief Disciplinary Counsel Ende to write such a comment. Gov. Williams-Ruth asked that the comment be written in his official capacity, but not on behalf of the WSBA. Motion passed unanimously.

Second Read: Proposed Amendments to GR 12.2 Recommended by the WSBA Equity and Disparity Workgroup ([link](#))

Gov. Stephens presented history and background of the proposal. Discussion followed about the intent and effect of the change. Gov. Stephens moved for approval. Motion passed unanimously.

RPC 1.2 and 8.4 RE: Reproductive Health Care Services Recommended by the Committee on Professional Ethics ([link](#))

Professor Hugh Spitzer and CPE Subcommittee Member Janice Wang presented an overview of the changes to the proposal since it was presented to the Board in June. Professor Spitzer provided a recap of the progress thus far on the topic. The revised version makes the language broader allowing lawyers to advise clients on Washington law. Gov. Fay moved to approve the changes as drafted. Motion passed unanimously. Gov. Rathbone was not present for the vote.

Treasurer Election ([link](#))

Executive Director Nevitt presented the materials setting forth the process and the nomination of Gov. Adewale and called for any nominations from the floor. There were none. As there was only one candidate, Gov. Adewale was declared the winner.

Meeting Feedback ([link](#))

Feedback was provided about the leadership presentation to the Board the day prior, including feedback about the remarks and its relevance to our discussions and work about diversity, equity, and inclusion, and a request to provide more time for such dialogue.

The Board took public comment from Nancy Hawkins expressing concern about the leadership presentation being closed to the public.

ADJOURNMENT

There being no further business, Pres. Clark adjourned the meeting at 9:02 AM on Saturday, August 12, 2023.

Respectfully submitted,

Terra Nevitt

WSBA Executive Director & Secretary



**Board of Governors Meeting – Motions List
Richland, WA
August 11-12, 2023**

1. Motion to approve the Consent Calendar. Motion passed unanimously. Gov. Fay was not present for the vote.
2. Motion to support the [MCLE] Proposal [to suggest amendments to APR 11 to require one CLE credit each in mental health and technology security].
 - a. Motion was divided with the agreement of the movant.
 - b. Motion to support the proposal with respect to technology security failed 4-6 with Gov. Williams-Ruth voting present.
 - c. Motion to support the proposal with respect to mental health passed 6-5.
3. Motion to authorize Chief Disciplinary Counsel Ende to write a comment with respect to his concern about the diminution of ethics credits. Motion passed unanimously.
4. Motion to approve [proposed amendments to GR 12.2 recommended by the Equity and Disparity Workgroup]. Motion passed unanimously.
5. Motion to approve changes [to proposed comments to RPC 1.2 and 8.4] as drafted [re: reproductive health care services recommended by the Committee on Professional Ethics.] Motion passed unanimously. Gov. Rathbone was not present for the vote.

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

Nicole Gustine, Assistant General Counsel

TO: WSBA Board of Governors
FROM: Nicole Gustine, Assistant General Counsel
DATE: August 21, 2023
RE: Confidentiality of Client Protection Board Recommendations

The Board of Governors (BOG) is responsible for approving gifts from the Client Protection Board. Per Court Rule, all of the materials, reports, and deliberations shall not be public. (APR 15 Procedural Regulations, Regulation 13(b)). As such, the recommendations are placed on the Consent Calendar. If discussion is requested by any Governor, it shall be taken up in Executive Session.

APR 15

CLIENT PROTECTION FUND PROCEDURAL REGULATIONS REGULATION 13. CONFIDENTIALITY

(a) Matters Which Are Public. On approved applications, the facts and circumstances which generated the loss, the Client Protection Board's recommendations to the Trustees with respect to payment of a claim, the amount of claim, the amount of loss as determined by the Client Protection Board, the name of the lawyer, LLLT, or LPO causing the loss, and the amount of payment authorized and made, shall be public.

(b) Matters Which Are Not Public. The Client Protection Board's file, including the application and response, supporting documentation, and staff investigative report, and deliberations of any application; the name of the applicant, unless the applicant consents; and the name of the lawyer, LLLT, or LPO unless the lawyer, LLLT, or LPO consents or unless the lawyer's, LLLT's, or LPO's name is made public pursuant to these rules and regulations, shall not be public.

The following report of CPB recommendations contains only pre-approved applications, and is therefore provided to you as a Trustee, confidentially. The report will not appear in the BOG meeting's public session materials. Please take the time to review the materials thoroughly prior to the BOG public session meeting.

Pursuant to ELC 3.4(l), the Chief Disciplinary Counsel has authorized the release of otherwise confidential disciplinary information to the Board of Governors for the purpose of reviewing and deciding on Client Protection Fund Board recommendations. The Board of Governors is advised of its obligation to maintain the confidentiality of these materials.

Please do not discuss any details regarding the matters, including the names or amounts related to the matter, at the public session meeting.



WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Hunter Abell, WSBA President-elect
RE: 2023-2024 Chair Appointments
DATE: August 21, 2023

Consent: Appointment of the 2023 - 2024 WSBA committee and board chairs listed below.

The WSBA has a number of standing committees that are created and authorized by the BOG to study matters relating to the general purposes and business of the Bar which are of a continuous and recurring character. Pursuant to the WSBA Bylaws, IX(B)(1)(c), the President-elect annually selects the Chair or Vice Chair of each committee, with the BOG having the authority to accept or reject that selection. Below is the slate of WSBA committee chairs for the 2023-2024 year. The candidates' resumes are attached. All eligible members of the committees listed below were encouraged to apply for the Chair position. Additional Chair appointments forthcoming.

Committee/Board	Recommended for Appointment
Editorial Advisory Committee	Chair: Marc Lampson
Washington Young Lawyers Committee	Chair-elect: Mason Ji

Both are new appointments.

MARC LAMPSON, M.L.I.S., J.D.

DSHS Board of Appeals
P.O. Box 45803
Olympia, WA 98504
(360) 664-6093

Email: marcus.lampson@dshs.wa.gov

PROFESSIONAL SUMMARY

Legal professional with experience in appellate review of administrative law decisions, appellate practice in civil and criminal cases, law office management, and library and law school teaching

- Currently, chief review judge overseeing Board of Appeals and Rules and Policies Assistance Unit, and formerly
- Review judge in administrative law cases
- Managed non-profit law firm with appellate case load focused on administrative law
- Professor of legal writing, drafting, research, advocacy, and professional responsibility
- Expertise in legal research with Master of Library and Information Science degree
- Author of two law-related books and numerous book chapters and articles

PROFESSIONAL EXPERIENCE

LEGAL PRACTICE:

Chief Review Judge. Board of Appeals. Office of Justice and Civil Rights. Washington State Department of Social and Health Services. Chief: March 2023 – Present; Review Judge: September 2022 – March 2023.

Select Achievements

- Oversee the work of the Board of Appeals and the Rules and Policies Assistance Unit
- Review BOA final orders concerning decisions of Administrative Law Judges at the Office of Administrative Hearings (OAH)

Policy and Systems Manager. Rules and Policies Assistance Unit (RPAU). Office of Justice and Civil Rights. Washington State Department of Social and Health Services. February 2022 – August 2022.

Select Achievements

- Participated in daily work of RPAU, tracking, guiding, and monitoring rule-making activity for the Department; this included working with numerous software programs essential to RPAU's work
- Review draft regulations, train rule-writers, monitor legislation

Review Judge. Board of Appeals. Washington State Department of Social and Health Services. May 2018 – February 2022.

Select Achievements

- Reviewed decisions issued by Administrative Law Judges at OAH; researched and then wrote final orders; wrote over 100 *Final Orders*
- Review draft regulations, train rule-writers, monitor legislation

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Public Services Attorney and Reference Librarian. Public Law Library of King County. April 2015 – February 2018.

Select Achievements

- Created and led the Legal Help Center for the Library, advising and assisting self-represented litigants in drafting pleadings
- Served at reference desk researching legal information requests from judges, court personnel, lawyers, and public patrons.

Executive Director and Civil Appellate Attorney. Unemployment Law Project, Seattle, WA. Litigation Attorney, 2004-2006; Executive Director, 2006 - September 2014.

Select Achievements

- Managed and provided leadership for Seattle and Spokane offices of the Unemployment Law Project (ULP); recruited, hired, trained, mentored, and supervised all paid staff and volunteers
- Handled all aspects of an appellate case load, from the final administrative level to the Superior Courts, Court of Appeals, and Washington Supreme Court

Consultant and Trainer. Washington State Office of Public Defense (OPD), Olympia, Washington. 1999-2001.

Attorney in Criminal Appeals. Washington Appellate Defender Association, Seattle, WA. 1987-1989.

Attorney. Evergreen Legal Services, Institutional Legal Services Project, Seattle, WA. 1986-1987.

Attorney. Groshong & Lehet, Attorneys at Law, Seattle, WA. 1984-1986.

Law Clerk. American Bar Association, Commission on Legal Problems of the Elderly and Commission on the Mentally Disabled, Washington, D.C. 1983-1984.

Law Clerk. Communications Workers of America, District 2, Washington, D.C. 1983.

Law Clerk. National Labor Law Center, Washington, D.C. 1982.

Law Clerk and Paralegal. Frank & Rosen, Attorneys at Law, Seattle, Washington. (1980-1982)

TEACHING EXPERIENCE:

Faculty. The Information School, San Jose State University. 2003 – 2017.

- Taught completely online courses on Legal Resources (aka legal research) and on Information and Society

Professor of Legal Writing and Research. Seattle University School of Law. 1989 - 2001:

- Taught Legal Writing I - Fundamentals of Legal Research, Writing, and

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- Analysis and Legal Writing II - Persuasive Writing and Oral Advocacy
- Other courses taught included Legal Drafting, Comprehensive Pretrial Advocacy, Appellate Advocacy Seminar and Clinic, and Professional Responsibility.

Lecturer & Instructor. University of Washington. 2000 – 2006:

UW Law School: Courses taught (as auxiliary faculty):

- Basic Legal Skills (Winter and Spring Quarters, 2000)

UW Information School: Courses taught (as predoctoral lecturer):

- Research Methods (Social Science Research Methods in LIS) (2001-2004)
- Information Policy – Global and National (included intellectual property, telecommunications, information inequality issues as well as other topics)(2003, 2004)
- Information Behavior (2003)

UW Paralegal Program (Tacoma & Seattle) (as instructor):

- Litigation Basics (Onsite Seattle, Winter Quarter 2005; Online Course Development, 2004-05; Online Teaching, Spring Quarter 2006)
- Fundamentals of Legal Practice (Onsite Seattle, Fall Quarter 2004)
- Complex Litigation (Onsite Tacoma, Spring Quarters 2004, 2005, & 2006; Developed Online Course).

Adjunct Faculty. City University. 2001-2005:

Legal Research Instructor. Washington Corrections Center for Women, Purdy, Washington. 1994 - 2005.

Faculty. Highline Community College, Legal Assistant Program. 1990 - 1991.

Faculty. Edmonds Community College, Paralegal Program. 1986 – 2000.

LAW LIBRARY AND LIBRARY WORK EXPERIENCE:

Reference Librarian and Public Services Attorney. Public Law Library of King County. April 2015 – February 2018.

Manager, Richard Hugo House Library. 2001- 2006.

Manager, Seattle Practice Center Library. 2003-2005.

Saturday Reference Librarian, Gallagher Law Library, University of Washington. 1998-99.

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EDUCATION AND CERTIFICATIONS

M.L.I.S., (Master of Library and Information Science with specialization in law librarianship), University of Washington, Seattle, 1999.

Ph.D. Candidate, Information Science (course work and general exam completed; current status inactive).

J.D., Antioch School of Law, Washington, D.C., 1984.

B.A., English, California State University at Sacramento, 1975.

T.E.S.O.L. 100-Hour Certificate, (Teaching English to Speakers of Other Languages), Oxford Seminars, 2014.

Washington Equal Justice Community/Access to Justice Board Leadership Academy, Fellow, 2013-2014.

Professional Mediation Skills Training Program Certificate, University of Washington School of Law, Washington Law School Foundation, October 6-8, 21-22, 2006.

Conflict Resolution Skills for the Work Place Certificate, King County Dispute Resolution Center, October 2006.

PROFESSIONAL ASSOCIATIONS

Washington State Bar Association, Member, 1985 - Present

Thurston County Bar Association, Member, 2017 – 2018

King County Bar Association, Member, Intermittently from 1986 – 2018

Law Librarians of Puget Sound (LLOPS), Member, May 2015 – 2018; Secretary, June 2016 – 2018.

American Association of Law Libraries, Member, May 2015 – 2018

PUBLICATIONS/PRESENTATIONS (PARTIAL LISTING)

Monographs

Finding the Answers to Legal Questions: A How-To-Do-It Manual, Neal-Schuman (1st edition, 2010)(co-author with Virginia Tucker) (2nd edition published January 2018 from American Library Association)

From Profanity Hill: A History of the King County Bar and the Seattle King County Bar Association 1852 - 1992, (1993)

Mental Disability Law: A Primer (1st ed.), American Bar Association, Commission on the Mentally Disabled, 1984

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Book Chapters

"Ethics in Litigation," in *Washington Civil Procedure Deskbook*, (Washington State Bar Association, 2002)

"Professional Conduct and Courtesy in Civil Litigation," (Chapter Supplement) in *Washington Civil Procedure Deskbook*, (Washington State Bar Association, 1996)

"Personal Restraint Petitions," in *Washington Appellate Practice Deskbook*, (Washington State Bar Association 1993) (revised this chapter for the second edition and wrote subsequent supplements)

"Damages in Auto Collision Cases," in *Washington Motor Vehicle Accident Deskbook 17-1* (*Washington State Bar Association*, 1987). I was the principal author of the two writers of chapter 17 in the first edition and sole author of the supplement in 1997

Articles on Law or Library and Information Science

Review of *How to Be an Antiracist*, by Ibram X. Kendi, *Bar News*, Washington State Bar Association, July/August 2021.

"And the Temple Rocked: *Martinez-Cuevas v. DeRuyter Bros. Dairy*," *Bar News*, Washington State Bar Association, April/May 2021.

"*Rolling Stone*, the Popular Press, and the Forms of State Violence," in *Bar Bulletin*, King County Bar Association, February 2018

"Let's *Ex Parte* at Kafka's House," in *Bar Bulletin*, King County Bar Association, August 2017

"Stealing Home: Foreclosures, Evictions, and the Legal System, Part II" in *Bar Bulletin*, King County Bar Association, May 2017

"Stealing Home: Foreclosures, Evictions, and the Legal System, Part I" in *Bar Bulletin*, King County Bar Association, April 2017

"Naming Names: Who Did That to Legal Research?" in *Bar Bulletin*, King County Bar Association, August 2016

"Not Much Faith in the Legal System," in *Bar Bulletin*, King County Bar Association, February 2016

"Judge Benton Succeeds Judge Schapira on Library Board," in *Bar Bulletin*, King County Bar Association, December 2015

"The System v. The *Pro Se*: You Have Just Entered 'The Twilight Zone,'" in *Bar Bulletin*, King County Bar Association, August 2015

"Somewhere I read '...one nation ... indivisible, with liberty and justice for all,'" in *Bar Bulletin*, King County Bar Association, June 2015

"Libraries, Liberty and the USA PATRIOT ACT," in *Libraries, National Security, Freedom of Information Laws and Social Responsibilities*, International Federation of Library

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Associations and Institutions/Free Access to Information and Freedom of Expression
Committee 2005 World Report

"Information Professionals as Agents for Information Literacy," *Education for Information*
Vol. 20, No. 2, 81-106 (2002). (co-author with Dr. Harry Bruce)

Review of *Privacy Law Adviser*, in *Legal Information Alert*, Vol. 21, No. 2, February 2002

"The Center for Internet Studies," *Internet Research*, Vol. 10 No. 3, 258-60 (2000)

Review of *Visualizing Subject Access for 21st Century Information Resources*, edited by
Pauline Atherton Cochrane and Eric H. Johnson. *Journal of the American Society
for Information Science*, Vol. 51, No. 2, 631-634 (2000)

Review of *Privacy and Technology: The New Landscape*, edited by Philip Agre and Marc
Rotenberg. *Journal of the American Society for Information Science* Vol. 50, No. 7,
631- 634 (1999)

Review of *Basic Legal Research for Criminal Justice and the Social Sciences* by James
R. Acker and Richard Irving. *Law Library Journal* (Summer 1999)

Presentations

"Best Practices in Writing and Editing Rules," Rules and Policy Assistance Unit (RPAU),
Office of the Secretary, Department of Social and Health Services. Most recent
workshop: November 19, 2019.

"Legal Research and Writing for Paralegals," HalfMoon Seminars, DoubleTree Inn,
SeaTac, February 11, 2016

"Teaching an Online Course About Finding U.S. Law for Free on the Web," presentation
for the Global Legal Skills Conference, Verona, Italy, May 21-23, 2014

"Unemployment and Reasonable Assurance," co-presenter at the American Federation
of Teachers, Community College Instructors, November 19, 2011

"Bias, Ethics, and Supervising Nonlawyer Volunteers," co-presenter at the Access to
Justice Conference, June 3 – 5, 2011

"Essentials of Legal Research and Writing," WSBA CLE faculty, June 26, 2008

"The Lawyer's Toolbox: Legal Research," WSBA CLE faculty, August 16, 2007

"Concentration of Power in the Legal Publishing Industry," guest lecture for course in
Law Library Administration, University of Washington Law Librarianship Program,
May 7, 2002

"Writing an Effective Criminal Appellate Brief," Office of Public Defense, CLE faculty,
Centralia, WA, December 1, 2001

"Writing an Effective Criminal Appellate Brief," Office of Public Defense, CLE faculty,
Spokane, WA, November 17, 2001

MARC LAMPSON, M.L.I.S., J.D.

"Local Legal History: Affirmative Action for Rich White Guys?" Presentation to the Seattle University School of Law Faculty, 1998

"Better Brief Writing," Presentation for the Washington State Bar Association's Continuing Legal Education seminar on "Tools for Appealing Lawyers," 1998

"Teaching Students to Make Analogies," Presentation to the National Legal Writing Institute, 1996

"Concocting versus Constructing Arguments," Presentation to the National Legal Writing Institute, 1994

"Quick Cures for Deadly Sentences," Presentation for the King County Bar Association's Continuing Legal Education seminar on Legal Writing, 1992.

VOLUNTEER, COMMUNITY, AND COMMITTEE SERVICE

Bar News/Northwest Lawyer. Washington State Bar Association Editorial Advisory Committee. Member. October 2019 – 2021; 2022 – present.

LawforWA.org, a Washington Nonprofit Corporation. President, Board of Directors. 2010 – 2018.

Washington Web Lawyer Advisory Board. 2015 – 2018.

Access to Justice Board's Puget Sound Regional Planning Committee. 2015 – 2018.

Courts of Limited Jurisdiction, Case Management System, Court Users' Work Group. 2015 – 2017.

Access to Justice Board's Delivery Systems Committee. 2010 – 2014; 2015 - 2018.

St. James Immigrant Assistance Program. Instructor. February 2015 – June 2016.

Access to Justice Board's Communications Committee. 2010 – 2014.

Literacy Council of Washington. Instructor. January – April 2015.

Judicial Information Systems Committee. 2006 – 2012.

Board of Trustees, Administrative Law Section, Washington State Bar Association. 2008 - 2011.

Lawyers Helping Hungry Children, Board of Trustees. Chair, 2006. Board Member. 2005 - 2008.

English as a Second Language Talk Time Facilitator, Seattle Public Library. 2005 – 2007.

Northwest Harvest, Food Bank Volunteer, 2005-07, 2010-15; Speaker's Bureau, 2005-15.

July 11, 2023

Paris A. Eriksen, CVA
Office of the Executive Director
Washington State Bar Association
1325 Fourth Ave. #600
Seattle, WA 98101

Dear Paris A. Eriksen:

Please accept this letter and my attached resume as my application to serve as the Chair of the Editorial Advisory Committee (EAC) for the Washington State Bar Association.

I have served a portion of two terms on the EAC, resigning the first time only because I had moved to judicial status with the WSBA and was therefore ineligible to serve on the EAC. I have long been interested in communications and information-sharing in the Washington State legal community. I was a copy editor and then, for five years, the editor of the *Bar Bulletin*, King County Bar Association's (KCBA) monthly newspaper. In addition, I wrote a book on the legal history of King County and the King County Bar Association entitled, *From Profanity Hill: the King County Bar Association's Story – 1853 – 1993*.

I have contributed several book reviews and a feature article to the *Bar News* and many articles to the *Bar Bulletin*. I also co-authored a recent book on legal research, *Finding the Answers to Legal Questions*, now in its second edition. I contributed chapters to early editions of several WSBA *Deskbooks*, including the *Washington Appellate Practice Deskbook* and the *Washington Civil Procedure Before Trial Deskbook*.

Many years ago, I was a board member of the Young Lawyers Section of the KCBA and in that capacity I was the YLS liaison to the WSBA YLS. Later, I served on the board of the WSBA's Administrative Law Section. I have been a member of WSBA since 1985, except for a few years on inactive status, as well as a member of the Thurston County Bar Association, and a long-time, though intermittent, member of KCBA.

I am also familiar with the broader Washington, though I have spent much of my life in Seattle and Olympia. I grew up in the eastside communities of Winthrop, Davenport, and Omak. When I was the director of the Unemployment Law Project, I went to Spokane frequently to visit our office there on Main Street near Gonzaga Law School and participated in job and intern "fairs" at GU. Consequently, I am fully aware there is a Washington legal community beyond Seattle.

In sum, I would be excited to serve as Chair of the EAC. I look forward to serving should I be selected to do so. Thank you for considering my application.

Sincerely,

Marc Lampson
Chief Review Judge
Board of Appeals
Washington Department of Social and Health Services

MASON JI

mji@perkinscoie.com

EDUCATION

Harvard Law School

Cambridge, MA

Juris Doctor

Aug. 2018 – May 2021

- Executive Editor: Harvard International Law Journal; Co-President: Rule of Law Society; Human Rights Clinic
- Council on Foreign Relations Young Professional; East-West Institute US-China Seminar Series Co-lead

University of Oxford

Oxford, UK

Master of Public Policy and Master of Science in Global Governance and Diplomacy

Sept. 2016 – July 2018

- Honors: Rhodes Scholar, Honors in both degree programs, Yale Traphagen Distinguished Speaker, Oxford Rothermere American Institute Fellow, Oxford China Center Speaker, recognized as an UNLEASH Global Talent
- Co-lead of Rhodes China Forum; Co-lead of Rhodes Artificial Intelligence Clinic
- World Economic Forum-Oxford Task Group Member on Climate Governance and Public-Private Partnerships

Yale University

New Haven, CT

Bachelor of Arts, Global Affairs and Political Science

Aug. 2012 – May 2016

- GPA: 3.96/4.00 (Major GPA: 4.00/4.00), Study Abroad: Peking University and University of Cambridge
- Honors: *Summa cum laude* (top 5% of graduates), Phi Beta Kappa, distinction in both majors; Udall Scholar; Henry James TenEyck Prize; John Heinz Fellow; Morton L. Fearey Scholar; 25-Under-25 in US-China Relations
- Elected Student Body Representative, managed over \$250,000 student government endowment, co-lead Yale-New Haven business negotiations

PROFESSIONAL EXPERIENCE

Perkins Coie

| *Associate* (previously: law clerk, summer associate) | Seattle, WA

Aug. 2019 – present

- Focus on complex commercial litigation, international sanctions, climate litigation, and international arbitration. Licensed attorney in Washington state, licensed in Western District of Washington.
- Argued motions and tried multiple trials to verdict, conducted legal research, prepared discovery and draft motions. Conducted multiple cross-border investigations, with specific focus on China investigations. Maintained diverse pro bono and international practice.
- Named Top 40 Young Lawyers by the American Bar Association in 2023.

University of Washington School of Law

| *Lecturer* | Seattle, WA

Nov. 2021 – present

- Delivered lectures to juris doctor candidates, legal practitioners, and graduate and undergraduate students on international public law, international environmental law, and transnational dispute resolution.

Global Council for the SDGs

| *Councilmember* | Dubai, UAE and remote

Feb 2018 – July 2021

- Worked with Helen Clark, former Prime Minister of New Zealand, and other former heads of state to address UN Sustainable Development Goal 16, spearheaded a global youth engagement program.

Kirkland & Ellis

| *Summer Associate* | New York, NY

June 2020 – Aug. 2020

- Part of the international litigation group, focused on international dispute resolution

Hong Kong International Arbitration Centre

| *Intern* | Hong Kong SAR, China

May 2019

- Proofread arbitration rules, helped vet and select arbitrators, functioned as interpreter and translator for English/Chinese.

White House

| *Ambassador for Asian Americans and Pacific Islanders* | Washington, D.C

Sept. 2015 – Dec. 2016

- Appointed under President Obama for the White House Initiative for Asian Americans and Pacific Islanders, for youth engagement and promoting public policy and foreign policy awareness.
- Engaged over 200,000 minorities and 10 minority groups across the US, conducted big data disaggregation projects.

United Nations

| *Adviser to the Permanent Mission of the Republic of Seychelles* | New York, NY

Jan. 2013 – Dec. 2015

- Youngest delegate to the United Nations General Assembly
- Worked primarily in the First, Second, and Third General Assembly, also attended Fourth and Sixth Committee meetings.
- Served as a delegate to the Division for Ocean Affairs and the Law of the Sea open-ended working group on continental shelf.
- Co-authored United Nations General Assembly resolutions as delegate for the Republic of Seychelles.

RESEARCH

Harvard Law School, Cambridge, MA

Sept. 2018 – Sept. 2020

- Research on World Trade Organization, sanctions, and international public dispute resolution methods.

University of Oxford Law Faculty, Oxford, UK

Sept. 2016 – Sept. 2018

- Research on changing character of war, law, and human rights impacts in Myanmar and other fragile states.
University of Oxford Department of International Development, Oxford, UK Sept. 2016 – Sept. 2017
- Research on US-China impacts on UN rule of law, conducted fieldwork research in Beijing and New York.
Yale University Jackson Institute of Global Affairs, New Haven, CT Oct. 2014 – May 2016
- Research with John Negroponte, former UN Ambassador, on US-China relations driving multilateral reform.
UN Oceans Coalition, New York, NY Oct. 2013 – Dec. 2014
- Research on global carbon trade, rising sea levels, and international and Europe-Asia progress on climate change.

PUBLICATIONS

1. Tobin, Thomas and Ji, Mason. *Business Torts: A Fifty State Guide, 2023 Edition* (Washington State Chapter), Wolters Kluwer Legal & Regulatory U.S., forthcoming: 2023.
2. Cohen, Barak, Schafer, Jamie, and Ji, Mason. “U.S. May Soon Have New Weapons in Sanctions Enforcement,” *Law360*, 2023.
3. Feldis, Kevin, Hupp, Margaret, and Ji, Mason. “COP27: Four Takeaways for Business Leaders,” *Perkins Coie Legal Updates*, 2022.
4. Schafer, Jamie, Sewell, David, Ji, Mason, House, Michael, and Yuan, Shuaiqi. “U.S. Authorities Outline Increased Sanctions on Foreign Parties Continuing to Transact with Russia,” *Perkins Coie Legal Updates*, 2022.
5. Funk, Markus, Ji, Mason, and Shao, Huijie. “China Data Privacy Laws, WeChat Muddy Cross-Border Inquiries,” *Bloomberg Law*, 2022.
6. Schafer, Jamie, Sewell, David, and Ji, Mason. “FinCEN’s Highly Anticipated Beneficial Ownership Reporting Rule Under CTA Effective January 1, 2024,” *Perkins Coie Legal Updates*, 2022.
7. Hauser, Henry, Parman, Hannah, Ji, Mason, and Tunca, Caroline. “Antitrust Suit Could Shake Up Schools’ Financial Aid Policies,” *Law 360*, 2022.
8. Ji, Mason. *Connecting Across Boundaries: Bringing Fresh Eyes to International Diplomacy*: pending mid/late-2022.
9. Alfonzo, Shylah, Hauser, Henry, and Ji, Mason. “Antitrust Enforcers Heeding President’s Call on Agriculture and Transportation,” *Perkins Coie Legal Updates*, 2022.
10. Feldis, Kevin, Hupp, Margaret, and Ji, Mason. “COP 26: Corporate Impacts and Opportunities,” *Perkins Coie Legal Updates*, 2021.
11. Frazier, Kevin and Ji, Mason. “National Service: A New Civic Contract,” *Harvard Kennedy School Review*, 2018.
12. Ji, Mason and Frazier, Kevin. “Restoring America’s International Standing – Millennials and Gen Zers as the Global Generations,” *Harvard Kennedy School Review*, 2018.
13. Ji, Mason. “The Difficulty of Spreading Democracy through Foreign Imposed Regime Changes: Implications for Political Order and Marginalized Populations,” *Tufts Journal of International Studies*, 2015.
14. Ji, Mason. “Science and Technology in Modern China: A Historic and Strategic Perspective on State Power,” *Yale Review of International Studies*, 2014.

COMMUNITY LEADERSHIP

- Washington State Bar Association | *Member, Young Lawyers Committee* | Seattle, WA Feb. 2023 – present
- Appointed to help young lawyers statewide navigate the profession through events, CLEs, and programming.
- American Bar Association | *Alternate Observer to the United Nations* | New York, NY July 2022 – present
- Represented American lawyers in front of the United Nations, drafted statements to advance initiatives.
- King County Bar Association | *Trustee, New Lawyers Division* | Seattle, WA June 2022 – present
- Appointed to help young lawyers into the law and remain in the law through CLEs, events, and law school outreach.
- Friends of Bellevue Cross Cultural Center | *Founder and Board Director* | Bellevue, WA Dec. 2021– present
- Founded non-profit to advocate for establishing a cross cultural center in Bellevue; testified in front of city council, received seed funding from companies, including Amazon.
- Asian Americans for Justice and Equality | *Co-Founder and Board Director* | Bellevue, WA Oct. 2021– present
- Founded non-profit to promote Asian American access to justice; planning events for public education; hold workshops on rights and justice for community members; starting scholarship program for promoting access to the law.
- Pathway Foundation | *Co-Founder* | Bellevue, WA Sep. 2017 – May 2019
- Founded policy foundation for youth civic engagement, collaborated to launch initiatives on blood drives, civic education, census data, community drives; partnered with leading non-profits on community engagement.
- American Immigration Forums | *Co-Founder* | Seattle, WA Oct. 2011 – June 2018
- Motivated community action to address immigration issues, in 2013, influenced US-China visa reforms to cut visa wait-times with data from more than 1000 people; worked with lawyers, the US Ambassador to China, and national officials.

SKILLS

R, Stata, Excel, PowerPoint, Word, Python; Languages: Chinese, English, Interests: Long-Distance Running, Table Tennis 23

To: WSBA Board of Governors
From: Emily Mowrey, Chair, Law Clerk Board
Cathy Biestek, Managing Regulatory Counsel
Date: August 4, 2023
Subject: Proposed Amendment to the APR 6 Law Clerk Program Regulations.

ACTION: The Law Clerk Board (Board) is submitting proposed amendments to the APR 6 Law Clerk Program Regulations for approval by the Board of Governors.

The Board of Governors has the authority to make amendments to the APR 6 Law Clerk Program Regulations consistent with APR 6.

The primary proposed amendment to the APR 6 law clerk program regulations is intended to align the regulations with the recent amendment to APR 11, effective September 1, 2023, which allows law clerk program tutors to earn MCLE credit. The recent amendment to APR 11 does not specify that assistant tutors can also earn MCLE credit. The amendment to the APR 6 regulation is proposed to clarify and ensure that assistant tutors can also earn MCLE credit. Other proposed amendments seek to unify the grammar and style of the APR 6 Regulation.

Proposed amendment to the APR 6 Regulation 4-2(B)

On July 13, 2023, the Washington Supreme Court entered an order amending APR 11 to allow MCLE credit to be claimed for “[t]utoring clerks through APR 6 Law Clerk Program courses when providing ‘personal supervision’ as defined in APR 6(d)(2).” See attached No. 25700-A-1527 Order (July 13, 2023). The APR 6 regulations list “personal supervision” as a tutor responsibility but do not expressly identify “personal supervision” as an assistant tutor duty. In reality, when an assistant tutor is approved to teach a course to an APR 6 law clerk instead of the primary tutor, the assistant tutor often also engages in “personal supervision” as defined by APR 6(d)(2) for that course. It is proposed that APR 6 Regulation 4-2.B(1) be amended to include “personal supervision as defined by APR 6(d)(2)” as a duty that an assistant tutor may undertake for the course for which the assistant tutor is approved to teach. This amendment will ensure that assistant tutors may also earn MCLE credit under the recently amended APR 11.

Therefore, the law clerk board requests that the Board of Governors adopt the proposed amendments to the APR 6 Law Clerk Program Regulations.

Attachments

1. No. 25700-A-1527 Order (July 13, 2023)
2. Suggested amendments to the Law Clerk Program Regulations
3. Clean Copy – Proposed Law Clerk Program Regulations

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

Requested Board Action: The Board of Governors is asked to approve changes to APR 6 Regulations to implement Court approved changes to APR 11. The change to APR 11 adds the following to the list of activities approved for MCLE credit: (10) Tutoring clerks through the APR 6 Law Clerk Program courses when providing “personal supervision” as defined in APR 6(d)(2).

Legal Risks/Considerations: The APR 6 changes appear to mitigate rather than increase risk. The changes appear to be necessary to implement the APR 11 changes. When assistant tutors are providing personal supervision in place of the primary tutor, the assistant tutor should be able to claim MCLE credit as allowed by APR 11. The change is intended to clarify that APR 6 recognizes that assistant tutors engage in personal supervision.

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

The fiscal impact to WSBA resulting from the proposed changes to the bylaws is limited to the amount of staff time used to incorporate the changes to WSBA records and outreach to communicate the changes. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

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

The purpose of the equity analyses is to understand how entities incorporated an equity lens into the action items presented to the Board of Governors. An equity lens is 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. Based on our review, there does not appear to any concerns about inequitable outcomes. Making this amendment could promote equity by potentially creating more opportunities for people to participate in the Law Clerk Program (through creating incentives for more tutors and assistant tutors to participate).

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED
AMENDMENTS TO APR 11--MANDATORY
CONTINUING LEGAL EDUCATION (MCLE)

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ORDER

NO. 25700-A-1527

The Mandatory Continuing Legal Education Board, having recommended the adoption of the proposed amendments to APR 11--Mandatory Continuing Legal Education (MCLE), and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendments as attached hereto are adopted.
- (b) That the proposed amendments will be published in the Washington Reports and will become effective September 1, 2023.

Page 2
ORDER
IN THE MATTER OF THE PROPOSED AMENDMENTS TO APR 11--MANDATORY
CONTINUING LEGAL EDUCATION (MCLE)

DATED at Olympia, Washington this 13th day of July, 2023.



Johnson, J.



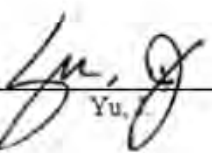
González, C.J.



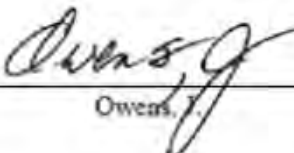
Gordon McCloud, J.



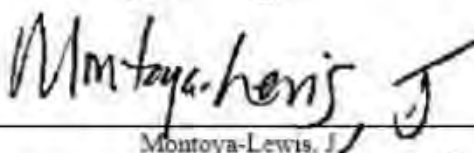
Madsen, J.



Yu, J.



Owens, J.



Montoya-Lewis, J.



Stephens, J.

MANDATORY CONTINUING LEGAL EDUCATION (MCLE)

(a)-(d) [Unchanged.]

(e) Approved Activities. A lawyer, LLLT, or LPO may earn MCLE credit by attending, teaching, presenting, or participating in activities approved by the Bar. Only the following types of activities may be approved:

(1)-(9) [Unchanged.]

(10) Tutoring clerks through the APR 6 Law Clerk Program courses when providing “personal supervision” as defined in APR 6(d)(2).

(f)-(k) [Unchanged.]

REGULATIONS GOVERNING THE
WASHINGTON STATE LAW CLERK
PROGRAM

Effective Date: September 1, 2023

Regulations approved by the Board of Governors September 26, 2013, effective January 1, 2014; amended effective May 19, 2017; September 1, 2022; September 1, 2023



1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539
800-945-9722 | 206-443-9722 | questions@wsba.org | www.wsba.org

APR 6 LAW CLERK PROGRAM REGULATIONS

1-1 Authority

Regulation 1. GENERAL

- A. The law clerk program established in Rule 6 of the Admission and Practice Rules (APR) and implemented in these regulations is conducted by the Washington State Bar Association at the direction of the Supreme Court. It is administered by the Law Clerk Board under the direction of the Board of Governors.
- B. The good moral character and fitness of an applicant is determined pursuant to APR 20 through 24.3.
- C. To facilitate prompt administration of APR 6 and these regulations, designated staff of the Washington State Bar Association may act on behalf of the Law Clerk Board under APR 6 and these regulations.
- D. The Law Clerk Board, with the approval of the Board of Governors, may amend these regulations as necessary. Revisions of these regulations shall not apply retroactively to an enrolled law clerk. These changes shall apply to applications, petitions and requests made after the effective date of the revisions.

1-2 Purpose and Expectations.

- A. The law clerk program provides access to legal education guided by a qualified tutor using an apprenticeship model that includes theoretical, scholastic and clinical components. Successful completion of the law clerk program qualifies a person to apply for the Washington State bar exam. Participation in the law clerk program is not a special admission or limited license to practice law.
- B. The program relies on the good faith and integrity of the participants. The Board cannot administer and supervise the clerkship on a daily basis. The Board assumes the tutor and the law clerk will adhere to the letter and spirit of the program.
- C. The law clerk program is an alternative legal education. The program issues a certificate of completion; it is not approved by the American Bar Association and it does not confer a Juris Doctor degree or other degree.
- D. The Board will not assist an applicant for the law clerk program to find employment or to evaluate in advance the qualifications of a potential tutor.

1-3 Definitions.

For the purpose of these regulations, the following terms are defined:

- A. "Approved accreditation" means accredited by an accrediting agency recognized by the US Department of Education.
- B. "Assistant Tutor" means a qualifying lawyer or judge who has been approved to teach specific courses.
- C. "Bar Association" means the Washington State Bar Association.
- D. "Board of Governors" means the Board of Governors of the Washington State Bar Association.
- E. "Board" means the Law Clerk Board as authorized by APR 2.

- F. “Board Liaison” means an individual member of the Law Clerk Board in his or her role as liaison between the law clerk and the Board.
- G. “Employment waiver” means a relationship in which the primary tutor is not the law clerk’s direct employer but has received Board approval of an alternative relationship under APR6(b)(7) and Regulation 3-1A(2).
- H. “Employment Location Waiver” means an employment arrangement in which the law clerk is not employed in Washington state but has received Board approval for an out-of-state employer under APR 6(b)(8) and Regulation 3-1A(3).
- I. “Law clerk” means a person whose application for enrollment in the law clerk program has been accepted by the Board. It refers to applicants to the program in that applicants must have employment as a law clerk, legal assistant, or equivalent to qualify for enrollment. Law clerks are not authorized or licensed to engage in the practice of law by virtue of APR 6.
- J. “Program” means the law clerk program established by APR 6 and implemented in these regulations.
- K. “Regular, full-time employment” means that the law clerk is hired by the tutor or the tutor’s employer in a (i) law office, (ii) legal department, or (iii) a court in Washington State, for an average of 32 hours per week for at least 48 weeks each calendar year.
- L. “Tutor” means a qualifying lawyer or judicial member who has agreed to teach the law clerk and be responsible for all aspects of compliance with the program.

Regulation 2. LAW CLERK BOARD

2-1 Responsibilities.

The Board will make decisions regarding:

- A. Approval or rejection of an application for enrollment in the program.
- B. Approval or rejection of a lawyer or a judge to act as a tutor.
- C. A petition for advanced standing.
- D. A direction to the law clerk to change tutors.
- E. A recommendation to the Board of Governors for the termination of a law clerk’s enrollment in the program.
- F. A petition for readmission.
- G. Changes in course contents, course descriptions, or program completion requirements.
- H. Applicability of the effect of prior decisions regarding other law clerks and tutors.
- I. Recommendations to the Board of Governors regarding amendments to these regulations.
- J. Any other matter related to the program or referred to the Board by the Board of Governors.

2-2 Board Liaisons.

- A. A law clerk will be assigned to a Board member who shall act as a liaison between the law clerk and the Board.
- B. A Board liaison will make decisions regarding:
 - (1) Recommendations to the Board regarding the acceptance or rejection of an applicant.
 - (2) An annual evaluation of the law clerk’s second and third years.
 - (3) Recommendations regarding any other matter related to the program or referred to the Board.

2-3 Staff Administration.

- A. The Board may delegate duties to staff to facilitate prompt administration of the program.
- B. The duties may regularly include but are not limited to:
 - (1) Review of applications to the program, recommendation regarding their qualifications for the program, and assignment of a Board Liaison;
 - (2) Approval of assistant tutors to teach specific courses;
 - (3) Approval of leaves of absence of less than 12 months;
 - (4) Approval of petitions by law clerks to take courses or electives out of order;
 - (5) Approval of the 4th year courses; and
 - (6) Notices of involuntary withdrawal.

2-4 Filing, general.

All applications, petitions or requests shall be submitted to the Board in a form and manner as directed by the Bar Association.

2-5 Review Procedure.

- A. Review of Right. An applicant, law clerk or tutor, has a right to have the Board of Governors review the following decisions of the Board:
 - (1) Rejection of an application for enrollment in the program;
 - (2) Termination of a law clerk’s enrollment in the program; or
 - (3) Requiring a law clerk to change tutors.
- B. Discretionary. An applicant, law clerk or tutor may ask the Board of Governors to review any decision made by the Board.
- C. Filing. A petition requesting either review of right or discretionary review shall be:
 - (1) in writing,
 - (2) directed to the Board of Governors;
 - (3) filed with the Bar Association office; and
 - (4) filed within 30 days of the date the law clerk or applicant received notice of the decision.

Regulation 3. APPLICATION PROCEDURE

3-1 Applicants. Every applicant for enrollment in the program shall:

- A. Be engaged in regular, full-time employment as defined in Regulation 1-3 unless requesting an employment waiver or employment location waiver as defined in Reg. 1-3.
 - (1) Under no circumstances may the tutor assess a fee or require any other form of compensation in return for instructing or employing the law clerk. The law clerk shall receive monetary compensation in compliance with federal and state law governing employment. The Board may require proof of employment as deemed necessary.
 - (2) Approval of any relationship requiring an employment waiver is within the discretion of the Board. The applicant and proposed tutor must explicitly describe the alternative relationship, show how the purpose of the program will be maintained, and describe how client confidentiality and conflicts of interest will be resolved. Applications or requests for reinstatement that include a petition to waive the requirement that the primary tutor or primary tutor’s employer be the law clerk’s employer, may be approved under the following conditions:

- (a) The Board received applications for the law clerk, primary tutor and the *employing lawyer*. The employing lawyer must establish that the clerk's employment includes tasks and duties that contribute to the practical aspects of engaging in the practice of law required by APR 6(b)(3).
 - (b) The Employing lawyer must at least meet the requirements of an assistant tutor (whether or not they teach a course). Regulation 4-2A defines the assistant tutor's qualifications as meeting all the qualifications of a tutor except that only five years of active practice is required.
 - (c) The minimum three hours a week of personal supervision between the law clerk and the tutor required by APR 6(d)(2) must occur in person. Because the pair do not otherwise work together, a minimum amount of personal contact is required.
 - (d) The law clerk, employing lawyer and primary tutor must have regular contact. It is anticipated that the lawyer's develop a relationship to discuss the progress of the law clerk and guide work and course assignments as required of the tutor in Regulation 4-1 D(7).
 - (e) The employing lawyer must agree to contribute to the monthly certificate. The certificate will include prompts for what the employing lawyer should include in their report.
 - (f) All three participants must agree to meet with the liaison for their initial interview and at any other meeting the Law Clerk Board Requests. The employing lawyer, as the provider of the practical and experiential component of the program, may not be a passive participant.
 - (g) A law clerk with an employment waiver may not work or learn in a primarily virtual/remote office situation.
- (3) Approval of employment with an out-of-state employer is within the discretion of the Board. The applicant and proposed tutor must explicitly describe the out-of-state location, its proximity to Washington, the type and amount of interaction with the laws and courts of Washington state, and how the purpose of the program will be maintained. Applications or requests for reinstatement that include a petition to waive the requirement that the law clerk be employed in Washington state may be approved under the following conditions:
- (a) The primary tutor must be an active member of the Bar Association and intend to remain so throughout the law clerk's course of study.
 - (b) The primary tutor must certify that the tutor's, or the tutor's workplace, has a case load with at least 51 percent of the cases involving Washington law or being subject to the jurisdiction of the Washington state courts, and that the law clerk will spend some work time on these cases.
 - (c) The tutor must agree to maintain a caseload that has substantial contact with Washington State. Substantial contact means having a caseload where at least 51 percent of the cases on average in a given year involve Washington law or are subject to the jurisdiction of Washington State courts. The tutor must annually certify that the caseload meets the substantial contact definition and must notify the Board if the caseload fails to meet the substantial contact definition.

B. Submit the following with the application fee by the deadlines established by the Board:

- (1) A completed program application and all required supplemental information;
- (2) Official transcripts from all undergraduate and graduate institutions attended, which show the grades received, the date a bachelor's degree was awarded by a school with approved accreditation, and the subject in which it was granted;
- (3) Two letters attesting to the applicant's good moral character and appraising the applicant's ability to undertake and successfully complete the program; and
- (4) The tutor's application establishing the applicant's and the tutor's eligibility and certifying to compliance with APR 6 and these regulations.

C. Appear for an interview, provide any additional information or proof, or cooperate in any investigation, as may be directed by the Board, the Board of Governors, or pursuant to APR 20-24.3. No decision regarding the good moral character of an applicant made in connection with a program pursuant to APR 6 is binding on the Bar Association or Character and Fitness Board at the time an applicant applies for admission to practice law and membership in the Bar Association, and such issues may be reinvestigated and reconsidered by Bar staff, Bar Counsel, and the Character and Fitness Board. The Bar Association may require any disclosures and conditions of applicant and tutor that appear reasonably necessary for enrollment in the program.

3-2 Advanced Standing. A petition to request consideration for advanced standing for law school courses completed or previous enrollment in the law clerk program must be submitted with an application for enrollment.

A. Petition for Advanced Standing. All law clerks must pass the prescribed courses established in these regulations. No courses may be waived. Applicants seeking advanced standing must establish, to the satisfaction of the Board, that the courses for which they seek credit are equivalent to specified prescribed courses in these regulations. The petition shall include:

- (1) A list of courses in the law clerk program for which advanced standing is sought. No advanced standing may be sought for Basic Legal Skills;
- (2) A list of law clerk program courses completed during a prior enrollment in the program to be used to satisfy the request for advanced standing. Law clerk program courses completed more than five years prior to the application date will not be considered for advanced standing.
- (3) A list of the law school courses and course descriptions from the law school course catalogue with an explanation of how each course is equivalent to the law clerk program courses;
- (4) Official transcripts for the law school courses. Courses in which the applicant earned a grade less than a B- or 2.7 and/or completed more than five years prior to the Law Clerk Program application date will not be considered. For applicants admitted to the practice of law in a foreign jurisdiction, grades older than five years may be considered in combination with proof of current good standing and active practice of law for three out of the last five years; and
- (5) Any additional information the applicant believes will be helpful or which the Board has requested.

B. Determination. In granting advanced standing, the Board will specify:

- (1) Any prescribed courses or portions thereof that the law clerk applicant has been deemed to have completed;

- (2) Any prescribed courses or portions thereof that the law clerk applicant will be required to pass; and
- (3) Any law school courses that the law clerk applicant will be allowed to use to satisfy the fourth-year curriculum.

3-3 Additional and Remedial Courses. In its discretion, the Board may also require the law clerk applicant to take and pass certain subjects which appear necessary to prepare the applicant to practice law in this state, regardless of whether or not those courses are prescribed courses or approved elective courses. The Board may require the law clerk applicant to take remedial or other legal or nonlegal instruction.

3-4 Notification. The Board will notify an applicant of acceptance or rejection of the application for enrollment. If accepted, the notification will specify the month the law clerk is authorized to begin the program. If rejected, the notification will provide the basis for the rejection.

3-5 Acknowledgement of Enrollment.

- A. Before beginning the program the law clerk must acknowledge enrollment, pay the annual fee, and agree to disclose in writing to the Bar Association any new conduct or information relevant to the questions in the program application while enrolled in the law clerk program.
- B. The Bar Association may require the law clerk to disclose to the tutor any new conduct or information disclosed by the law clerk during enrollment.
- C. All programs shall begin the first day of the month specified by the law clerk in the acknowledgement of enrollment; this will be the enrollment date. The enrollment date must not be more than six months after the date of approval by the Board. Any changes to the enrollment date must be amended with a new acknowledgement of enrollment.

Regulation 4. TUTORS

4-1 Tutor's Responsibilities.

- A. The tutor is responsible for supervising and guiding the law clerk's education, and for setting an example of the highest ethical and professional conduct. The tutor has an obligation not only to instruct the law clerk, but to ensure only fully competent law clerks are deemed to be qualified to sit for the bar examination.
- B. In addition to any other requirements, a potential tutor shall appear for an interview, provide any additional information or proof, or cooperate in any investigation, as may be directed by the Board.
- C. The tutor is required to continue to meet the qualifications for a tutor established in APR 6 and remain in good standing throughout the period of the clerkship.
- D. In addition to the "personal supervision" required by APR 6, defined as time actually spent with the law clerk for the exposition and discussion of the law, the recitation of cases, and the critical analysis of the law clerk's written assignments, the tutor's responsibilities include:
 - (1) Guiding and assisting the law clerk's study of each subject, using the course descriptions as a basic outline of course content and emphasizing pertinent state law;
 - (2) Choosing textbooks, casebooks, and other written, legal materials, selected from those in use at any of the law schools in the state, to guide the law clerk through the subject matter of each course;
 - (3) Assisting the law clerk in planning the sequence and timing of each prescribed course and of the

- fourth-year curriculum;
- (4) Evaluating the law clerk's progress;
- (5) Developing, administering, and grading the monthly examinations;
- (6) Submitting the graded monthly examination with written comments and the required certificate to the Board within 10 days of the end of the month in which it was administered;
- (7) Assigning the law clerk tasks and duties which are intended to contribute to the law clerk's understanding of the practical aspects of engaging in the practice of law; and
- (8) Providing the law clerk with an adequate work station and with reasonable access to an adequate law library.

4-2 Assistant Tutors. When an assistant tutor is proposed to teach a course instead of the primary tutor, the Board may approve the application(s) of one or more assistant tutors for up to 6 months of each year of study. The assistant tutor may teach only the course(s) for which the assistant tutor was approved by the Board. Informal assistance to a lesser degree, by other lawyers, judges or staff is generally acceptable without specific approval.

A. Qualification. The assistant tutor shall meet all the qualifications and continuing qualifications established for the tutor in APR 6 and these regulations, except the assistant tutor shall have been actively and continuously engaged in the practice of law or have held the required judicial position for at least five years immediately preceding the commencement of the assistant tutorship.

B. Scope of Delegation.

(1) The assistant tutor may undertake the following duties for the course(s) for which the assistant tutor ~~he/she~~ is approved:

- i. Personal supervision as defined by APR 6(d)(2)
- ii. Choosing textbooks, casebooks, and resource materials for the course.
- iii. Guiding and assisting the law clerk's study of the subject, using the course description as a basic outline of course content and emphasizing pertinent state law.
- iv. Developing, administering, and grading the monthly examination.

(2) The primary tutor shall:

- i. In consultation with the assistant tutor, determine if the law clerk passed or failed the course;
- ii. Remain ultimately responsible for the conduct of the law clerkship;
- iii. Complete all monthly and other certificates; and
- iv. Appear with the law clerk at all oral evaluations with the Board, although the assistant tutor may also be in attendance where appropriate.

Regulation 5. COURSE OF STUDY

5-1 Structure.

- A. The program is designed to be a four year course of study in combination with employment. Each year consists of 12 months during which the law clerk is required to study 6 subjects, pass 12 exams and submit 3 book reports.
- B. The program is structured so the law clerk studies only one subject at a time and passes it before beginning the next subject. All courses in a given year, including jurisprudence reading, must be completed before the law clerk may study courses in a subsequent year. A law clerk may not take more course work in any calendar year than is prescribed by these regulations without prior Board

approval. The length of time to be devoted to each subject is prescribed by regulation.

- C. A law clerk may take leave or vacation in increments of one month upon written notice to the Board. A law clerk may take leave of longer than one month only upon advance written request and approval by the Board. Exceptions for emergency medical situations may be considered. A law clerk may not request leave of more than 12 consecutive months.

5-2 Subjects.

- A. Jurisprudence Reading. Every law clerk is required to take the Jurisprudence course, which is a four year reading program, intended to familiarize the law clerk with legal history, philosophy, theory and biography.
- B. First Year. To complete the first year of the program, the law clerk shall pass the following prescribed courses. The course entitled "Basic Legal Skills" shall be studied and passed first. Thereafter, the courses may be studied in any order.

Course	Months
Basic Legal Skills	2
Civil Procedure	2
Torts	2
Contracts	2
Agency & Partnerships	2
Property	2

- C. Second Year. To complete the second year of the program, the law clerk shall pass the following prescribed courses, in any order:

Course	Months
Community Property	1
Criminal Law	2
Constitutional Law I	2
Corporations	2
Evidence	2
Uniform Commercial Code	3

- D. Third Year. To complete the third year of the program, the law clerk shall pass the following prescribed courses, in any order:

Course	Months
Constitutional Law II	2
Professional Responsibility	1
Domestic Relations	2
Wills, Estates, Trusts, Probate	3
Conflict of Laws	2
Criminal Procedure	2

E. Fourth Year. The fourth year of the program is devoted to elective subjects. The law clerk, in consultation with the tutor, shall develop a fourth year curriculum of six electives. The law clerk shall then make a written petition to the Board, at least six months prior to the commencement of the fourth year, for approval of the proposed fourth year course of study.

(1) Under no circumstances will approval or recognition be given to courses directed to fulfillment of a continuing legal or other professional education requirement, or intended to provide a preparation for a bar examination, or taught through correspondence or any equivalent.

(2) Recommended Electives. The following electives are recommended because they will broaden the law clerk's legal background, perspective, and skills. A law clerk may petition the Board for approval of alternative areas of study by including a detailed course description for each proposed course.

Course	Months
Administrative Law	2
Personal Federal Income Tax	2
Land Use	2
Labor Law	2
Remedies	2
Antitrust	2
Creditor-Debtor Relations	2
Securities Regulation	2
Legal Accounting	2
International Law	2
Insurance	2
Consumer Protection	2
Environmental Law	2
Real Property Security	2
American Indian Law	2
Trial Practicum	2
Elder and Disability Law	2

5-3 Monthly Examinations. The tutor is responsible for the content and administration of all monthly examinations.

A. Content. Although no specific substantive content is prescribed by the Board, it is anticipated such an examination will test the law clerk's comprehension of the current subject matter, and the law clerk's understanding of the ethical, professional and practical aspects of practicing law.

B. Course Descriptions. The course descriptions in Regulation 7 state the minimum level of knowledge the Board expects a law clerk to obtain in each subject, and provide guidance to the tutor in formulating monthly examinations.

C. Timing. The tutor shall administer an examination covering that month's subjects to the law clerk on or before the last day of each month.

- D. Grading. All courses in the program are to be graded as pass/fail only. "Pass" means that the law clerk has exhibited reasonable comprehension of the theory and practice of any given subject to the satisfaction of the tutor and the Board. If a law clerk earns a "Fail" grade the law clerk shall continue to study the subject for an additional month.
- E. Certificates. Within 10 days following the month of study, the tutor shall submit the exam, including the grade given for the examination and written comments to the law clerk, and a monthly certificate, stating the law clerk's hours engaged in employment, study and the tutor's personal supervision.
 - (1) If an exam is not given, the monthly certificate shall be submitted stating the reason.
 - (2) The date of receipt will be recorded. A pattern of late certificates may be cause for remedial action or termination from the program.

5-4 Board Evaluations. At intervals as may be established by the Board, the Board shall conduct an evaluation at which the law clerk and the tutor shall be personally present. The law clerk and the tutor shall be personally present when required by the Board.

- A. The Board will not normally test the law clerk's substantive knowledge, but may do so to evaluate whether or not the law clerk is progressing satisfactorily in the program.
- B. Materials. In making its evaluation, the Board may consider:
 - (1) The substantive contents of all monthly examinations;
 - (2) The tutor's monthly certificates and timeliness of receipt;
 - (3) Any written course work; and
 - (4) Any other written or oral materials deemed to be pertinent by the Board.
- C. Decision. At the conclusion of the evaluation, the Board may:
 - (1) Determine the law clerk has successfully mastered the preceding year's course work and is eligible and authorized to begin the next year of the program;
 - (2) Determine the law clerk has satisfactorily completed the program and is qualified to sit for the bar examination, subject to any other requirements for sitting for the bar examination as set forth in the Admission and Practice Rules;
 - (3) Advise the tutor regarding the quality, timeliness, or appropriateness of coursework, exams, and certificates;
 - (4) Direct the law clerk to repeat designated prescribed or elective courses, devote more time to each course, take remedial legal or nonlegal instruction, appear before the Board at more frequent intervals for an examination which may be written or oral;
 - (5) Require the law clerk to change tutors;
 - (6) Advise the law clerk that the law clerk's enrollment in the program is terminated.
- D. At the conclusion of any evaluation, the Board will provide a brief written summary of its decision to the law clerk and to the tutor.

Regulation 6. WITHDRAWAL AND TERMINATION OF ENROLLMENT

6-1 Withdrawal by Law Clerk.

- A. Voluntary. A law clerk who wishes to withdraw from the program shall notify the Board in

writing, filed as required by Regulation 2-4.

B. Involuntary. A law clerk will be deemed to have withdrawn from the program if:

- (1) The law clerk is absent from the program for more than one month in any calendar year without the Board's prior approval of a petition for a leave of absence. Failure to submit exams and tutor's certificates shall be interpreted as absence from the program;
- (2) The law clerk takes a leave of absence from the program for more than 12 consecutive months; or
- (3) The annual fee is not paid by the established deadline.

6-2 Withdrawal by Tutor.

- A. Voluntary. A tutor who wishes to withdraw from that position shall notify the Board and the law clerk in writing, filed as required by Regulation 2- 4.
- B. Involuntary. If a disciplinary sanction is imposed upon a tutor, the tutor will be deemed to have withdrawn from that position. The Board may determine that the imposition of a sanction does not necessitate automatic withdrawal.
- C. The Board may direct a law clerk to change tutors if approval of a tutor is withdrawn.

6-3 Termination of Enrollment by the Board.

- A. The Board must terminate a law clerk's participation in the program for:
 - (1) Failure to complete the prescribed course of study within 6 years from the date of enrollment; or
 - (2) A determination by the Board that the clerk does not meet the character or fitness requirement for continued enrollment in the program
- B. The Board may terminate a law clerk's participation in the program for the law clerk's failure to otherwise comply with the requirements of the program or a decision or order of the Board.

Regulation 7. COURSE DESCRIPTIONS

7-1 Jurisprudence Reading. A four-year course of reading consisting of three (3) books each year, to be selected from a list approved by the Board. The Board has discretion to select and require specific books which must be read to meet this requirement.

- A. Upon completion of each book, the law clerk shall prepare and submit to the Board a short book report. Reports should be submitted every 4 months.
- B. A year's coursework shall not be deemed completed unless the book reports are submitted. A law clerk may not begin the next year's course work until the current year's book reports are completed and submitted to the Board.

7-2 First Year Clerkship.

- A. Basic Legal Skills. Introduction to basic legal reference materials (including judicial, legislative and administrative primary and secondary sources) and their use; techniques of legal reasoning, analysis and synthesis; legal writing styles. Familiarization with the structure of the federal and state court systems; the concept of case law in a common law jurisdiction; fundamental principles of stare decisis and precedent; the legislative process; principles of statutory construction and interpretation. Law Clerk should be assigned projects of increasing difficulty such as: case abstracts; analysis of a trial record to identify issues; short quizzes to demonstrate ability to locate primary and secondary sources; office memoranda or a trial oriented memorandum of authorities to demonstrate ability to find the law applicable to a factual situation and to differentiate unfavorable authority; an appellate

level brief.

- B. Civil Procedure. Fundamentals of pleading and procedure in civil litigation, as structured by the Federal Rules of Civil Procedure and the Washington Superior Court Civil Rules. Study shall include: jurisdiction over the person and subject matter; venue; time limits; commencement of actions; pleadings; parties; impleader; interpleader; motions; class actions and intervention; res judicata and collateral estoppel; discovery and other pretrial devices; joinder; summary judgment; judgments; post-trial motions. Law Clerk should be required to draft summons; pleadings; motions; findings of fact and conclusions of law; judgment; interrogatories; requests for admission.
- C. Contracts. Study of legal principles related to the formation, operation and termination of the legal relation called contract. General topics include: offer and acceptance; consideration; issues of interpretation; conditions; performance; breach; damages or other remedies; discharge; the parol-evidence rule; the statute of frauds; illegality; assignments; beneficiaries.
- D. Property. Study of the ownership, use, and transfer of real property in both historical and modern times. Topics include: estates and interests in land; concurrent ownership; easements; equitable servitudes; conveyances; real estate contracts; nuisance; adverse possession; land use controls; landlord-tenant; the recording system; title insurance.
- E. Torts. Study of the historical development, principles, concepts and purposes of the law relating to redress of private injuries. Topics include: conversion; trespass; nuisance; intentional tort; negligence; strict liability; products liability; concepts of duty, causation, and damage; limitations on liability such as proximate cause, contributory negligence, assumption of the risk, immunity; comparative negligence.
- F. Agency and Partnership. Legal principles of agency law including definition of the agency relationship, authority and power of agents, notice and knowledge, rights and duties between participants in the relationship, termination of agency relationship, master-servant relationship. Partnership law using the Revised Uniform Partnership Act as a model code. Topics include: formation, partners' rights and duties between themselves, powers, unauthorized acts, notice and knowledge, incoming partner liability, indemnification, contribution, partner's two-fold ownership interest, co-ownership interests and liabilities, creditor's claims and remedies, dissolution events, winding up, distribution of asset rules. Study of the Uniform Limited Partnership Act and joint venture law.

7-3 Second Year Clerkship.

- A. Community Property. Relationship necessary for creation of community property, classification of property as community or separate, management and control of community assets, rights of creditors, disposition of community property upon dissolution of the community, problems of conflict of laws encountered in transactions with common-law jurisdictions.
- B. Criminal Law. Study of substantive criminal law including concepts such as elements of criminal responsibility; principles of justification and excuse; parties; attempts, conspiracy; specific crimes; statutory interpretation; some introduction to sentencing philosophies and to juvenile offender law.
- C. Constitutional Law I. Course covers basic constitutional document, excluding the Bill of Rights. Topics include: taxing clause, commerce clause, contract clause, war power and treaty power. Allocation and distribution of power within the federal system, and between federal and state systems, including economic regulatory power and police power; limitations on powers of state and national

governments; constitutional role of the courts.

- D. Corporations. Business corporations for profit using the Model Business Corporations Act and state law provisions. Topics include: promotion, formation and organization; theories of corporations; corporate purposes and powers; disregard of corporateness; common law and statutory duties and liabilities of shareholders, directors, and officers; allocation of control, profit and risk; rights of shareholders; derivative suits and class action suits by shareholders; mergers and consolidations, sale of assets, and other fundamental changes in corporate structure; corporate dissolution; SEC proxy rules and Rule 10(b)(5).
- E. Evidence. Rules of proof applicable to judicial trials. Topics include: admission and exclusion of evidence, relevancy, hearsay rule and its exceptions, authentication of writings, the best evidence rule, examination and competency of witnesses, privileges, opinion and expert testimony, demonstrative evidence, presumptions, burden of proof, judicial notice.
- F. Uniform Commercial Code. Course covers Articles I, II, III, IV, VI, VII, and X of the Uniform Commercial Code. Course first examines problems in the sale of goods as governed by Article II (with a brief survey of its antecedents) including: warranty, risk of loss, acceptance and rejection, tender of delivery, revocation, remedies for breach of contract. Some discussion of other laws relating to warranties, Article VI on Bulk Sales, and Article VII on documents of title and bills of lading. Course next examines commercial paper, bank deposits and collections under UCC Articles III and IV, including: formation and use of negotiable instruments with an emphasis on checks, rights and liability of parties to negotiable instruments, defenses to liability, study of bank collection process and bank's relationship with its customers. Course finally examines secured transactions under UCC Article IX, including: types of security interests, perfection of such interests, priority of claims, rights to proceeds of collateral, multi-state transactions, rights of parties after debtor's default.

7-4 Third Year Clerkship.

- A. Constitutional Law II. Course examines the Bill of Rights. Topics include: free speech, prior restraint, obscenity, libel, fair trial and free press, loyalty oaths, compulsory disclosure laws, sedition and national security, picketing, symbolic conduct, protest, subversive advocacy; due process; equal protection development and analysis; fundamental rights and entitlements; religious clause; jury trial right in civil actions; constitutional protection and interpretation under state as contrasted to federal constitutional documents.
- B. Professional Responsibility. Study of legal ethics and a lawyer's roles in society, including lawyer-client relations, lawyer-public relations, and a lawyer's responsibility to the courts and the profession. Topics also include: organization of an integrated bar, Supreme Court's supervisory powers, professional service corporations, pre- paid legal services arrangements, malpractice, the Admission to Practice Rules, the Rules for the Enforcement of Lawyer Conduct, the Rules of Professional Conduct and the ABA Model Rules of Professional Conduct.
- C. Domestic Relations. Study of the substantive and procedural law affecting the formation, disintegration and dissolution of family relations, including those of husband and wife, parent and child, and non-marital. Topics include: jurisdiction, procedure, costs, maintenance, child support, property division, custody, modification and enforcement of orders, some discussion of conflict of laws, taxation, URESA and UPA.

- D. Wills, Estates, Trusts, Probate. Study of the voluntary transmission of assets in contemplation of and at death. Topics include: disposition by will, creation of and disposition by a trust, effectiveness of the disposition in the creation of present and future interests in property, intestate succession, construction problems, powers of appointment, restrictions on perpetuities and accumulations, alternative methods of wealth transmission, some introduction to the basic tax framework important in formulating plans of disposition, and fiduciary administration and management of decedent's estates and trusts.
- E. Conflict of Laws. Study of that part of the law that determines by which state's law a legal problem will be solved. Topics include: choice-of-law problems in torts, contracts, property, domestic relations, administration of estates, and business associations.
- F. Criminal Procedure. Constitutional doctrines governing criminal procedure. Topics include: Fourth, Fifth, Sixth and Eighth Amendments, pertinent due process provisions of Fourteenth Amendment; search and seizure, confessions, identification procedures, right to counsel, arrest, jury trial, double jeopardy, and pertinent provisions of the state constitution. The Superior Court Criminal Rules are examined as they relate to the procedural aspects of raising the constitutional issues.

7-5 Fourth Year Clerkship; Electives.

- A. Administrative Law. Study of the administrative process and its role in the legal system. Subjects include: powers and procedures of administrative agencies, relationship of administrative agencies to executive, judicial and legislative departments of government.
- B. Personal Federal Income Tax. Examination of federal income tax law as it applies to individuals, but not in their role as partners, shareholders, or beneficiaries of trusts or estates. Topics include: concepts of income, gross income, net income, when income should be taxed, to whom it should be taxed and its character as unearned, earned or capital gain income. Deductions are also examined in detail.
- C. Land Use. Study of legal principles and constitutional limitations affecting systems for public regulation of the use of private land. Topics include: planning, zoning, variances, special use permits, subdivision controls, environmental legislation, nuisance, eminent domain, powers of public agencies, "taking" without just compensation, due process, administrative procedures and judicial review, exclusionary zoning and growth control.
- D. Labor Law. Study of the organizational rights of employees and unions and the governance of the use of economic force by employers and unions. Other topics include the duty to bargain collectively, the manner in which collective bargaining is conducted, subjects to which it extends, administration and enforcement of collective bargaining agreements, and relations between a union and its members.
- E. Remedies. Historical development and use of judicial remedies that provide relief for past or potential injuries to interests in real or personal property. Topics include: history of equity, power of equity courts, restitution, specific performance, injunctions, equitable defenses, compensatory and punitive damages, unjust enrichment, constructive trusts, equitable liens, tracing and subrogation.
- F. Antitrust. An examination of the antitrust laws including the Sherman Act, Clayton Act, Robinson-Patman Act, Federal Trade Commission Act; and topics such as monopolies, restraint of trade, mergers, price fixing, boycotts, market allocation, tying arrangements, exclusive dealing and state antitrust law.

- G. Creditor-Debtor Relations. Rights and remedies of creditors and debtors under the Federal Bankruptcy Code, particularly in straight bankruptcy cases and under state laws relating to judgments, judgment liens, executions, attachments, garnishments, fraudulent conveyances, compositions, assignments for the benefit of creditors, and debtor's exemptions.
- H. Securities Regulation. Study of legal control over the issuance and distribution of corporate securities. Topics include: registration and distribution of securities under the Federal Securities Act of 1933, including the definition of a security; basic structure, applicability, and prohibitions of the Act; underwriting; preparation, processing and use of registration statement and prospectuses; exemptions from registration under the Act, including Regulation A, private offerings, and business reorganizations and recapitalizations; secondary distributions; brokers transactions; and civil liability for violation of the Act. Registration, distribution and regulation of securities under state "blue sky" laws, including the State of Washington Securities Act. Regulation of franchise arrangements under the Federal Securities Act of 1933 and the State of Washington Franchise Investment Protection Act. Regulation of national securities exchanges and broker-dealers; registration and listing of securities on national securities exchanges; periodic reporting and public disclosure of information requirements for companies whose securities are traded on national securities exchanges; and civil liability for violation of the Act. Regulation of mutual funds and other types of investment companies under the Federal Investment Company Act of 1940.
- I. Legal Accounting. Bookkeeping, use of journals and ledgers, analysis of financial statements, professional responsibility of a lawyer to a corporate client and relationship to accountants involved in a client's financial affairs. Course also addresses lawyer's accounting and recordkeeping obligations to his or her client under the Rules of Professional Conduct or its successor.
- J. International Law. Legal process by which interests are adjusted and authoritative decisions made on the international level. Topics include: nature and source of international law, law of treaties, jurisdiction, some discussion of international legal organizations, state responsibility and international claims for wrongs to citizens abroad, and application of international law in United States courts.
- K. Insurance. Legal principles governing formal mechanisms for the distribution of risk of loss. Emphasis is on property, casualty, life insurance. Topics include: marketing of insurance, indemnity principle, insurable interest, amount of recovery and subrogation, persons and interests protected, brokers, and identification of risks transferred by insurance.
- L. Consumer Protection. Selected laws for protection of consumers, including federal, state and local laws that prohibit deceptive advertising, mandate disclosure of information, regulate credit practices, license occupations, establish quality standards for products and services, and condemn "unfair" practices. Emphasis on the theoretical justifications for governmental intervention in the marketplace. Attention to problems of consumer justice administration, including informal dispute resolution procedures and representation of consumer interests in administrative and legislative proceedings.
- M. Environmental Law. Survey of citizen, legislative, administrative and judicial action in response to the reality and the threat of man-induced alteration to the natural environment; focuses on National Environmental Policy Act, federal air and water pollution control legislation, state air and water

pollution control statutes and shoreline management.

- N. Real Property Security. Methods by which an obligation may be secured by real property of the obligor or of a third person. Covers the common-law principles and statutes that regulate the creation, operation, and extinguishment of the legal relations known as the real property mortgage and deed of trust, considered in the context of financing the purchase or development of land. Some attention must be given to principles governing operation of the lending industry.
- O. American Indian Law. Tribal/state/federal judicial and legislative jurisdiction in Indian country. Criminal and civil jurisdiction. Indian religious freedom. Indian water rights. Special hunting and fishing rights. History of federal laws and policies towards Indians. Current federal law and policy. Judicial trends in Indian cases. The federal trust responsibility toward Indian tribes; tribal powers of self government. Tribal courts. Federal supremacy (preemption) over state law in Indian country.
- P. Trial Practicum. Advanced course in preparing for trial. Resources should include sample cases and text books as well as evidence and civil rules. The clerk will write a fully researched brief, motions in limine, prepare ER 904; prepare objections to opposition motions in limine and ER 904; argue pretrial motions; research and perform voir dire; prepare and give an opening statement; prepare and give a direct exam with introduction of multiple exhibits; prepare and give a cross exam with introduction of exhibits; draft and argue jury instructions; prepare and give a closing statement.
- Then to be assigned an actual case in litigation and add to the above, a mock trial which includes: prepared statement of the “story” of the case; illustrate how each witness fits into the story and what evidence is to be used with each witness; develop direct examination of one witness, cross examination of one witness and at least one exhibit for each witness; prepare and give an opening; conduct voir dire of volunteers; examine a witness; handle objections; and argue sample motions in limine. The clerk is expected to attend court proceedings regularly, and participate to the extent permitted by APR 9, if licensed.
- Q. Elder and Disability Law. An examination and study of the complex legal needs of people who are elderly and people who have a disability. This course examines major issues and substantive laws affecting people who are elderly or who have a disability including income protection, asset preservation and protection, options for financing long-term care and healthcare, planning for incapacity and the use of traditional and nontraditional estate and life care planning devices such as wills, trusts, special needs trusts, powers of attorney, guardianships, adult protection actions and other devices but in the context of the needs of people who are elderly or who have a disability. This course will also address the special ethical challenges and concerns of lawyers who are practicing elder and disability law.

REGULATIONS GOVERNING THE
WASHINGTON STATE LAW CLERK
PROGRAM

Effective Date: September 1, 2023

Regulations approved by the Board of Governors September 26, 2013, effective January 1, 2014; amended effective May 19, 2017; September 1, 2022



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APR 6 LAW CLERK PROGRAM REGULATIONS

1-1 Authority

Regulation 1. GENERAL

- A. The law clerk program established in Rule 6 of the Admission and Practice Rules (APR) and implemented in these regulations is conducted by the Washington State Bar Association at the direction of the Supreme Court. It is administered by the Law Clerk Board under the direction of the Board of Governors.
- B. The good moral character and fitness of an applicant is determined pursuant to APR 20 through 24.3.
- C. To facilitate prompt administration of APR 6 and these regulations, designated staff of the Washington State Bar Association may act on behalf of the Law Clerk Board under APR 6 and these regulations.
- D. The Law Clerk Board, with the approval of the Board of Governors, may amend these regulations as necessary. Revisions of these regulations shall not apply retroactively to an enrolled law clerk. These changes shall apply to applications, petitions and requests made after the effective date of the revisions.

1-2 Purpose and Expectations.

- A. The law clerk program provides access to legal education guided by a qualified tutor using an apprenticeship model that includes theoretical, scholastic and clinical components. Successful completion of the law clerk program qualifies a person to apply for the Washington State bar exam. Participation in the law clerk program is not a special admission or limited license to practice law.
- B. The program relies on the good faith and integrity of the participants. The Board cannot administer and supervise the clerkship on a daily basis. The Board assumes the tutor and the law clerk will adhere to the letter and spirit of the program.
- C. The law clerk program is an alternative legal education. The program issues a certificate of completion; it is not approved by the American Bar Association and it does not confer a Juris Doctor degree or other degree.
- D. The Board will not assist an applicant for the law clerk program to find employment or to evaluate in advance the qualifications of a potential tutor.

1-3 Definitions.

For the purpose of these regulations, the following terms are defined:

- A. "Approved accreditation" means accredited by an accrediting agency recognized by the US Department of Education.
- B. "Assistant Tutor" means a qualifying lawyer or judge who has been approved to teach specific courses.
- C. "Bar Association" means the Washington State Bar Association.
- D. "Board of Governors" means the Board of Governors of the Washington State Bar Association.
- E. "Board" means the Law Clerk Board as authorized by APR 2.

- F. “Board Liaison” means an individual member of the Law Clerk Board in his or her role as liaison between the law clerk and the Board.
- G. “Employment waiver” means a relationship in which the primary tutor is not the law clerk’s direct employer but has received Board approval of an alternative relationship under APR6(b)(7) and Regulation 3-1A(2).
- H. “Employment Location Waiver” means an employment arrangement in which the law clerk is not employed in Washington state but has received Board approval for an out-of-state employer under APR 6(b)(8) and Regulation 3-1A(3).
- I. “Law clerk” means a person whose application for enrollment in the law clerk program has been accepted by the Board. It refers to applicants to the program in that applicants must have employment as a law clerk, legal assistant, or equivalent to qualify for enrollment. Law clerks are not authorized or licensed to engage in the practice of law by virtue of APR 6.
- J. “Program” means the law clerk program established by APR 6 and implemented in these regulations.
- K. “Regular, full-time employment” means that the law clerk is hired by the tutor or the tutor’s employer in a (i) law office, (ii) legal department, or (iii) a court in Washington State, for an average of 32 hours per week for at least 48 weeks each calendar year.
- L. “Tutor” means a qualifying lawyer or judicial member who has agreed to teach the law clerk and be responsible for all aspects of compliance with the program.

Regulation 2. LAW CLERK BOARD

2-1 Responsibilities.

The Board will make decisions regarding:

- A. Approval or rejection of an application for enrollment in the program.
- B. Approval or rejection of a lawyer or a judge to act as a tutor.
- C. A petition for advanced standing.
- D. A direction to the law clerk to change tutors.
- E. A recommendation to the Board of Governors for the termination of a law clerk’s enrollment in the program.
- F. A petition for readmission.
- G. Changes in course contents, course descriptions, or program completion requirements.
- H. Applicability of the effect of prior decisions regarding other law clerks and tutors.
- I. Recommendations to the Board of Governors regarding amendments to these regulations.
- J. Any other matter related to the program or referred to the Board by the Board of Governors.

2-2 Board Liaisons.

- A. A law clerk will be assigned to a Board member who shall act as a liaison between the law clerk and the Board.
- B. A Board liaison will make decisions regarding:
 - (1) Recommendations to the Board regarding the acceptance or rejection of an applicant.
 - (2) An annual evaluation of the law clerk’s second and third years.
 - (3) Recommendations regarding any other matter related to the program or referred to the Board.

2-3 Staff Administration.

- A. The Board may delegate duties to staff to facilitate prompt administration of the program.
- B. The duties may regularly include but are not limited to:
 - (1) Review of applications to the program, recommendation regarding their qualifications for the program, and assignment of a Board Liaison;
 - (2) Approval of assistant tutors to teach specific courses;
 - (3) Approval of leaves of absence of less than 12 months;
 - (4) Approval of petitions by law clerks to take courses or electives out of order;
 - (5) Approval of the 4th year courses; and
 - (6) Notices of involuntary withdrawal.

2-4 Filing, general.

All applications, petitions or requests shall be submitted to the Board in a form and manner as directed by the Bar Association.

2-5 Review Procedure.

- A. Review of Right. An applicant, law clerk or tutor, has a right to have the Board of Governors review the following decisions of the Board:
 - (1) Rejection of an application for enrollment in the program;
 - (2) Termination of a law clerk's enrollment in the program; or
 - (3) Requiring a law clerk to change tutors.
- B. Discretionary. An applicant, law clerk or tutor may ask the Board of Governors to review any decision made by the Board.
- C. Filing. A petition requesting either review of right or discretionary review shall be:
 - (1) in writing,
 - (2) directed to the Board of Governors;
 - (3) filed with the Bar Association office; and
 - (4) filed within 30 days of the date the law clerk or applicant received notice of the decision.

Regulation 3. APPLICATION PROCEDURE

3-1 Applicants. Every applicant for enrollment in the program shall:

- A. Be engaged in regular, full-time employment as defined in Regulation 1-3 unless requesting an employment waiver or employment location waiver as defined in Reg. 1-3.
 - (1) Under no circumstances may the tutor assess a fee or require any other form of compensation in return for instructing or employing the law clerk. The law clerk shall receive monetary compensation in compliance with federal and state law governing employment. The Board may require proof of employment as deemed necessary.
 - (2) Approval of any relationship requiring an employment waiver is within the discretion of the Board. The applicant and proposed tutor must explicitly describe the alternative relationship, show how the purpose of the program will be maintained, and describe how client confidentiality and conflicts of interest will be resolved. Applications or requests for reinstatement that include a petition to waive the requirement that the primary tutor or primary tutor's employer be the law clerk's employer, may be approved under the following conditions:

- (a) The Board received applications for the law clerk, primary tutor and the *employing lawyer*. The employing lawyer must establish that the clerk's employment includes tasks and duties that contribute to the practical aspects of engaging in the practice of law required by APR 6(b)(3).
 - (b) The Employing lawyer must at least meet the requirements of an assistant tutor (whether or not they teach a course). Regulation 4-2A defines the assistant tutor's qualifications as meeting all the qualifications of a tutor except that only five years of active practice is required.
 - (c) The minimum three hours a week of personal supervision between the law clerk and the tutor required by APR 6(d)(2) must occur in person. Because the pair do not otherwise work together, a minimum amount of personal contact is required.
 - (d) The law clerk, employing lawyer and primary tutor must have regular contact. It is anticipated that the lawyer's develop a relationship to discuss the progress of the law clerk and guide work and course assignments as required of the tutor in Regulation 4-1 D(7).
 - (e) The employing lawyer must agree to contribute to the monthly certificate. The certificate will include prompts for what the employing lawyer should include in their report.
 - (f) All three participants must agree to meet with the liaison for their initial interview and at any other meeting the Law Clerk Board Requests. The employing lawyer, as the provider of the practical and experiential component of the program, may not be a passive participant.
 - (g) A law clerk with an employment waiver may not work or learn in a primarily virtual/remote office situation.
- (3) Approval of employment with an out-of-state employer is within the discretion of the Board. The applicant and proposed tutor must explicitly describe the out-of-state location, its proximity to Washington, the type and amount of interaction with the laws and courts of Washington state, and how the purpose of the program will be maintained. Applications or requests for reinstatement that include a petition to waive the requirement that the law clerk be employed in Washington state may be approved under the following conditions:
- (a) The primary tutor must be an active member of the Bar Association and intend to remain so throughout the law clerk's course of study.
 - (b) The primary tutor must certify that the tutor's, or the tutor's workplace, has a case load with at least 51 percent of the cases involving Washington law or being subject to the jurisdiction of the Washington state courts, and that the law clerk will spend some work time on these cases.
 - (c) The tutor must agree to maintain a caseload that has substantial contact with Washington State. Substantial contact means having a caseload where at least 51 percent of the cases on average in a given year involve Washington law or are subject to the jurisdiction of Washington State courts. The tutor must annually certify that the caseload meets the substantial contact definition and must notify the Board if the caseload fails to meet the substantial contact definition.

- B. Submit the following with the application fee by the deadlines established by the Board:
- (1) A completed program application and all required supplemental information;
 - (2) Official transcripts from all undergraduate and graduate institutions attended, which show the grades received, the date a bachelor's degree was awarded by a school with approved accreditation, and the subject in which it was granted;
 - (3) Two letters attesting to the applicant's good moral character and appraising the applicant's ability to undertake and successfully complete the program; and
 - (4) The tutor's application establishing the applicant's and the tutor's eligibility and certifying to compliance with APR 6 and these regulations.
- C. Appear for an interview, provide any additional information or proof, or cooperate in any investigation, as may be directed by the Board, the Board of Governors, or pursuant to APR 20-24.3. No decision regarding the good moral character of an applicant made in connection with a program pursuant to APR 6 is binding on the Bar Association or Character and Fitness Board at the time an applicant applies for admission to practice law and membership in the Bar Association, and such issues may be reinvestigated and reconsidered by Bar staff, Bar Counsel, and the Character and Fitness Board. The Bar Association may require any disclosures and conditions of applicant and tutor that appear reasonably necessary for enrollment in the program.

3-2 Advanced Standing. A petition to request consideration for advanced standing for law school courses completed or previous enrollment in the law clerk program must be submitted with an application for enrollment.

- A. Petition for Advanced Standing. All law clerks must pass the prescribed courses established in these regulations. No courses may be waived. Applicants seeking advanced standing must establish, to the satisfaction of the Board, that the courses for which they seek credit are equivalent to specified prescribed courses in these regulations. The petition shall include:
- (1) A list of courses in the law clerk program for which advanced standing is sought. No advanced standing may be sought for Basic Legal Skills;
 - (2) A list of law clerk program courses completed during a prior enrollment in the program to be used to satisfy the request for advanced standing. Law clerk program courses completed more than five years prior to the application date will not be considered for advanced standing.
 - (3) A list of the law school courses and course descriptions from the law school course catalogue with an explanation of how each course is equivalent to the law clerk program courses;
 - (4) Official transcripts for the law school courses. Courses in which the applicant earned a grade less than a B- or 2.7 and/or completed more than five years prior to the Law Clerk Program application date will not be considered. For applicants admitted to the practice of law in a foreign jurisdiction, grades older than five years may be considered in combination with proof of current good standing and active practice of law for three out of the last five years; and
 - (5) Any additional information the applicant believes will be helpful or which the Board has requested.
- B. Determination. In granting advanced standing, the Board will specify:
- (1) Any prescribed courses or portions thereof that the law clerk applicant has been deemed to have completed;

- (2) Any prescribed courses or portions thereof that the law clerk applicant will be required to pass; and
- (3) Any law school courses that the law clerk applicant will be allowed to use to satisfy the fourth-year curriculum.

3-3 Additional and Remedial Courses. In its discretion, the Board may also require the law clerk applicant to take and pass certain subjects which appear necessary to prepare the applicant to practice law in this state, regardless of whether or not those courses are prescribed courses or approved elective courses. The Board may require the law clerk applicant to take remedial or other legal or nonlegal instruction.

3-4 Notification. The Board will notify an applicant of acceptance or rejection of the application for enrollment. If accepted, the notification will specify the month the law clerk is authorized to begin the program. If rejected, the notification will provide the basis for the rejection.

3-5 Acknowledgement of Enrollment.

- A. Before beginning the program the law clerk must acknowledge enrollment, pay the annual fee, and agree to disclose in writing to the Bar Association any new conduct or information relevant to the questions in the program application while enrolled in the law clerk program.
- B. The Bar Association may require the law clerk to disclose to the tutor any new conduct or information disclosed by the law clerk during enrollment.
- C. All programs shall begin the first day of the month specified by the law clerk in the acknowledgement of enrollment; this will be the enrollment date. The enrollment date must not be more than six months after the date of approval by the Board. Any changes to the enrollment date must be amended with a new acknowledgement of enrollment.

Regulation 4. TUTORS

4-1 Tutor's Responsibilities.

- A. The tutor is responsible for supervising and guiding the law clerk's education, and for setting an example of the highest ethical and professional conduct. The tutor has an obligation not only to instruct the law clerk, but to ensure only fully competent law clerks are deemed to be qualified to sit for the bar examination.
- B. In addition to any other requirements, a potential tutor shall appear for an interview, provide any additional information or proof, or cooperate in any investigation, as may be directed by the Board.
- C. The tutor is required to continue to meet the qualifications for a tutor established in APR 6 and remain in good standing throughout the period of the clerkship.
- D. In addition to the "personal supervision" required by APR 6, defined as time actually spent with the law clerk for the exposition and discussion of the law, the recitation of cases, and the critical analysis of the law clerk's written assignments, the tutor's responsibilities include:
 - (1) Guiding and assisting the law clerk's study of each subject, using the course descriptions as a basic outline of course content and emphasizing pertinent state law;
 - (2) Choosing textbooks, casebooks, and other written, legal materials, selected from those in use at any of the law schools in the state, to guide the law clerk through the subject matter of each course;
 - (3) Assisting the law clerk in planning the sequence and timing of each prescribed course and of the

fourth-year curriculum;

- (4) Evaluating the law clerk's progress;
- (5) Developing, administering, and grading the monthly examinations;
- (6) Submitting the graded monthly examination with written comments and the required certificate to the Board within 10 days of the end of the month in which it was administered;
- (7) Assigning the law clerk tasks and duties which are intended to contribute to the law clerk's understanding of the practical aspects of engaging in the practice of law; and
- (8) Providing the law clerk with an adequate work station and with reasonable access to an adequate law library.

4-2 Assistant Tutors. When an assistant tutor is proposed to teach a course instead of the primary tutor, the Board may approve the application(s) of one or more assistant tutors for up to 6 months of each year of study. The assistant tutor may teach only the course(s) for which the assistant tutor was approved by the Board. Informal assistance to a lesser degree, by other lawyers, judges or staff is generally acceptable without specific approval.

A. Qualification. The assistant tutor shall meet all the qualifications and continuing qualifications established for the tutor in APR 6 and these regulations, except the assistant tutor shall have been actively and continuously engaged in the practice of law or have held the required judicial position for at least five years immediately preceding the commencement of the assistant tutorship.

B. Scope of Delegation.

(1) The assistant tutor may undertake the following duties for the course(s) for which the assistant tutor is approved:

- i. Personal supervision as defined by APR 6(d)(2)
- ii. Choosing textbooks, casebooks, and resource materials for the course.
- iii. Guiding and assisting the law clerk's study of the subject, using the course description as a basic outline of course content and emphasizing pertinent state law.
- iv. Developing, administering, and grading the monthly examination.

(2) The primary tutor shall:

- i. In consultation with the assistant tutor, determine if the law clerk passed or failed the course;
- ii. Remain ultimately responsible for the conduct of the law clerk;
- iii. Complete all monthly and other certificates; and
- iv. Appear with the law clerk at all oral evaluations with the Board, although the assistant tutor may also be in attendance where appropriate.

Regulation 5. COURSE OF STUDY

5-1 Structure.

A. The program is designed to be a four year course of study in combination with employment. Each year consists of 12 months during which the law clerk is required to study 6 subjects, pass 12 exams and submit 3 book reports.

B. The program is structured so the law clerk studies only one subject at a time and passes it before beginning the next subject. All courses in a given year, including jurisprudence reading, must be completed before the law clerk may study courses in a subsequent year. A law clerk may not take more course work in any calendar year than is prescribed by these regulations without prior Board

approval. The length of time to be devoted to each subject is prescribed by regulation.

- C. A law clerk may take leave or vacation in increments of one month upon written notice to the Board. A law clerk may take leave of longer than one month only upon advance written request and approval by the Board. Exceptions for emergency medical situations may be considered. A law clerk may not request leave of more than 12 consecutive months.

5-2 Subjects.

- A. Jurisprudence Reading. Every law clerk is required to take the Jurisprudence course, which is a four year reading program, intended to familiarize the law clerk with legal history, philosophy, theory and biography.
- B. First Year. To complete the first year of the program, the law clerk shall pass the following prescribed courses. The course entitled "Basic Legal Skills" shall be studied and passed first. Thereafter, the courses may be studied in any order.

Course	Months
Basic Legal Skills	2
Civil Procedure	2
Torts	2
Contracts	2
Agency & Partnerships	2
Property	2

- C. Second Year. To complete the second year of the program, the law clerk shall pass the following prescribed courses, in any order:

Course	Months
Community Property	1
Criminal Law	2
Constitutional Law I	2
Corporations	2
Evidence	2
Uniform Commercial Code	3

- D. Third Year. To complete the third year of the program, the law clerk shall pass the following prescribed courses, in any order:

Course	Months
Constitutional Law II	2
Professional Responsibility	1
Domestic Relations	2
Wills, Estates, Trusts, Probate	3
Conflict of Laws	2
Criminal Procedure	2

E. Fourth Year. The fourth year of the program is devoted to elective subjects. The law clerk, in consultation with the tutor, shall develop a fourth year curriculum of six electives. The law clerk shall then make a written petition to the Board, at least six months prior to the commencement of the fourth year, for approval of the proposed fourth year course of study.

(1) Under no circumstances will approval or recognition be given to courses directed to fulfillment of a continuing legal or other professional education requirement, or intended to provide a preparation for a bar examination, or taught through correspondence or any equivalent.

(2) Recommended Electives. The following electives are recommended because they will broaden the law clerk's legal background, perspective, and skills. A law clerk may petition the Board for approval of alternative areas of study by including a detailed course description for each proposed course.

Course	Months
Administrative Law	2
Personal Federal Income Tax	2
Land Use	2
Labor Law	2
Remedies	2
Antitrust	2
Creditor-Debtor Relations	2
Securities Regulation	2
Legal Accounting	2
International Law	2
Insurance	2
Consumer Protection	2
Environmental Law	2
Real Property Security	2
American Indian Law	2
Trial Practicum	2
Elder and Disability Law	2

5-3 Monthly Examinations. The tutor is responsible for the content and administration of all monthly examinations.

A. Content. Although no specific substantive content is prescribed by the Board, it is anticipated such an examination will test the law clerk's comprehension of the current subject matter, and the law clerk's understanding of the ethical, professional and practical aspects of practicing law.

B. Course Descriptions. The course descriptions in Regulation 7 state the minimum level of knowledge the Board expects a law clerk to obtain in each subject, and provide guidance to the tutor in formulating monthly examinations.

C. Timing. The tutor shall administer an examination covering that month's subjects to the law clerk on or before the last day of each month.

D. Grading. All courses in the program are to be graded as pass/fail only. "Pass" means that the law clerk has exhibited reasonable comprehension of the theory and practice of any given subject to the satisfaction of the tutor and the Board. If a law clerk earns a "Fail" grade the law clerk shall continue to study the subject for an additional month.

E. Certificates. Within 10 days following the month of study, the tutor shall submit the exam, including the grade given for the examination and written comments to the law clerk, and a monthly certificate, stating the law clerk's hours engaged in employment, study and the tutor's personal supervision.

(1) If an exam is not given, the monthly certificate shall be submitted stating the reason.

(2) The date of receipt will be recorded. A pattern of late certificates may be cause for remedial action or termination from the program.

5-4 Board Evaluations. At intervals as may be established by the Board, the Board shall conduct an evaluation at which the law clerk and the tutor shall be personally present. The law clerk and the tutor shall be personally present when required by the Board.

A. The Board will not normally test the law clerk's substantive knowledge, but may do so to evaluate whether or not the law clerk is progressing satisfactorily in the program.

B. Materials. In making its evaluation, the Board may consider:

(1) The substantive contents of all monthly examinations;

(2) The tutor's monthly certificates and timeliness of receipt;

(3) Any written course work; and

(4) Any other written or oral materials deemed to be pertinent by the Board.

C. Decision. At the conclusion of the evaluation, the Board may:

(1) Determine the law clerk has successfully mastered the preceding year's course work and is eligible and authorized to begin the next year of the program;

(2) Determine the law clerk has satisfactorily completed the program and is qualified to sit for the bar examination, subject to any other requirements for sitting for the bar examination as set forth in the Admission and Practice Rules;

(3) Advise the tutor regarding the quality, timeliness, or appropriateness of coursework, exams, and certificates;

(4) Direct the law clerk to repeat designated prescribed or elective courses, devote more time to each course, take remedial legal or nonlegal instruction, appear before the Board at more frequent intervals for an examination which may be written or oral;

(5) Require the law clerk to change tutors;

(6) Advise the law clerk that the law clerk's enrollment in the program is terminated.

D. At the conclusion of any evaluation, the Board will provide a brief written summary of its decision to the law clerk and to the tutor.

Regulation 6. WITHDRAWAL AND TERMINATION OF ENROLLMENT

6-1 Withdrawal by Law Clerk.

A. Voluntary. A law clerk who wishes to withdraw from the program shall notify the Board in

writing, filed as required by Regulation 2-4.

B. Involuntary. A law clerk will be deemed to have withdrawn from the program if:

- (1) The law clerk is absent from the program for more than one month in any calendar year without the Board's prior approval of a petition for a leave of absence. Failure to submit exams and tutor's certificates shall be interpreted as absence from the program;
- (2) The law clerk takes a leave of absence from the program for more than 12 consecutive months; or
- (3) The annual fee is not paid by the established deadline.

6-2 Withdrawal by Tutor.

- A. Voluntary. A tutor who wishes to withdraw from that position shall notify the Board and the law clerk in writing, filed as required by Regulation 2- 4.
- B. Involuntary. If a disciplinary sanction is imposed upon a tutor, the tutor will be deemed to have withdrawn from that position. The Board may determine that the imposition of a sanction does not necessitate automatic withdrawal.
- C. The Board may direct a law clerk to change tutors if approval of a tutor is withdrawn.

6-3 Termination of Enrollment by the Board.

- A. The Board must terminate a law clerk's participation in the program for:
 - (1) Failure to complete the prescribed course of study within 6 years from the date of enrollment; or
 - (2) A determination by the Board that the clerk does not meet the character or fitness requirement for continued enrollment in the program
- B. The Board may terminate a law clerk's participation in the program for the law clerk's failure to otherwise comply with the requirements of the program or a decision or order of the Board.

Regulation 7. COURSE DESCRIPTIONS

7-1 Jurisprudence Reading. A four-year course of reading consisting of three (3) books each year, to be selected from a list approved by the Board. The Board has discretion to select and require specific books which must be read to meet this requirement.

- A. Upon completion of each book, the law clerk shall prepare and submit to the Board a short book report. Reports should be submitted every 4 months.
- B. A year's coursework shall not be deemed completed unless the book reports are submitted. A law clerk may not begin the next year's course work until the current year's book reports are completed and submitted to the Board.

7-2 First Year Clerkship.

- A. Basic Legal Skills. Introduction to basic legal reference materials (including judicial, legislative and administrative primary and secondary sources) and their use; techniques of legal reasoning, analysis and synthesis; legal writing styles. Familiarization with the structure of the federal and state court systems; the concept of case law in a common law jurisdiction; fundamental principles of stare decisis and precedent; the legislative process; principles of statutory construction and interpretation. Law Clerk should be assigned projects of increasing difficulty such as: case abstracts; analysis of a trial record to identify issues; short quizzes to demonstrate ability to locate primary and secondary sources; office memoranda or a trial oriented memorandum of authorities to demonstrate ability to find the law applicable to a factual situation and to differentiate unfavorable authority; an appellate

level brief.

- B. Civil Procedure. Fundamentals of pleading and procedure in civil litigation, as structured by the Federal Rules of Civil Procedure and the Washington Superior Court Civil Rules. Study shall include: jurisdiction over the person and subject matter; venue; time limits; commencement of actions; pleadings; parties; impleader; interpleader; motions; class actions and intervention; res judicata and collateral estoppel; discovery and other pretrial devices; joinder; summary judgment; judgments; post-trial motions. Law Clerk should be required to draft summons; pleadings; motions; findings of fact and conclusions of law; judgment; interrogatories; requests for admission.
- C. Contracts. Study of legal principles related to the formation, operation and termination of the legal relation called contract. General topics include: offer and acceptance; consideration; issues of interpretation; conditions; performance; breach; damages or other remedies; discharge; the parol-evidence rule; the statute of frauds; illegality; assignments; beneficiaries.
- D. Property. Study of the ownership, use, and transfer of real property in both historical and modern times. Topics include: estates and interests in land; concurrent ownership; easements; equitable servitudes; conveyances; real estate contracts; nuisance; adverse possession; land use controls; landlord-tenant; the recording system; title insurance.
- E. Torts. Study of the historical development, principles, concepts and purposes of the law relating to redress of private injuries. Topics include: conversion; trespass; nuisance; intentional tort; negligence; strict liability; products liability; concepts of duty, causation, and damage; limitations on liability such as proximate cause, contributory negligence, assumption of the risk, immunity; comparative negligence.
- F. Agency and Partnership. Legal principles of agency law including definition of the agency relationship, authority and power of agents, notice and knowledge, rights and duties between participants in the relationship, termination of agency relationship, master-servant relationship. Partnership law using the Revised Uniform Partnership Act as a model code. Topics include: formation, partners' rights and duties between themselves, powers, unauthorized acts, notice and knowledge, incoming partner liability, indemnification, contribution, partner's two-fold ownership interest, co-ownership interests and liabilities, creditor's claims and remedies, dissolution events, winding up, distribution of asset rules. Study of the Uniform Limited Partnership Act and joint venture law.

7-3 Second Year Clerkship.

- A. Community Property. Relationship necessary for creation of community property, classification of property as community or separate, management and control of community assets, rights of creditors, disposition of community property upon dissolution of the community, problems of conflict of laws encountered in transactions with common-law jurisdictions.
- B. Criminal Law. Study of substantive criminal law including concepts such as elements of criminal responsibility; principles of justification and excuse; parties; attempts, conspiracy; specific crimes; statutory interpretation; some introduction to sentencing philosophies and to juvenile offender law.
- C. Constitutional Law I. Course covers basic constitutional document, excluding the Bill of Rights. Topics include: taxing clause, commerce clause, contract clause, war power and treaty power. Allocation and distribution of power within the federal system, and between federal and state systems, including economic regulatory power and police power; limitations on powers of state and national

governments; constitutional role of the courts.

- D. Corporations. Business corporations for profit using the Model Business Corporations Act and state law provisions. Topics include: promotion, formation and organization; theories of corporations; corporate purposes and powers; disregard of corporateness; common law and statutory duties and liabilities of shareholders, directors, and officers; allocation of control, profit and risk; rights of shareholders; derivative suits and class action suits by shareholders; mergers and consolidations, sale of assets, and other fundamental changes in corporate structure; corporate dissolution; SEC proxy rules and Rule 10(b)(5).
- E. Evidence. Rules of proof applicable to judicial trials. Topics include: admission and exclusion of evidence, relevancy, hearsay rule and its exceptions, authentication of writings, the best evidence rule, examination and competency of witnesses, privileges, opinion and expert testimony, demonstrative evidence, presumptions, burden of proof, judicial notice.
- F. Uniform Commercial Code. Course covers Articles I, II, III, IV, VI, VII, and X of the Uniform Commercial Code. Course first examines problems in the sale of goods as governed by Article II (with a brief survey of its antecedents) including: warranty, risk of loss, acceptance and rejection, tender of delivery, revocation, remedies for breach of contract. Some discussion of other laws relating to warranties, Article VI on Bulk Sales, and Article VII on documents of title and bills of lading. Course next examines commercial paper, bank deposits and collections under UCC Articles III and IV, including: formation and use of negotiable instruments with an emphasis on checks, rights and liability of parties to negotiable instruments, defenses to liability, study of bank collection process and bank's relationship with its customers. Course finally examines secured transactions under UCC Article IX, including: types of security interests, perfection of such interests, priority of claims, rights to proceeds of collateral, multi-state transactions, rights of parties after debtor's default.

7-4 Third Year Clerkship.

- A. Constitutional Law II. Course examines the Bill of Rights. Topics include: free speech, prior restraint, obscenity, libel, fair trial and free press, loyalty oaths, compulsory disclosure laws, sedition and national security, picketing, symbolic conduct, protest, subversive advocacy; due process; equal protection development and analysis; fundamental rights and entitlements; religious clause; jury trial right in civil actions; constitutional protection and interpretation under state as contrasted to federal constitutional documents.
- B. Professional Responsibility. Study of legal ethics and a lawyer's roles in society, including lawyer-client relations, lawyer-public relations, and a lawyer's responsibility to the courts and the profession. Topics also include: organization of an integrated bar, Supreme Court's supervisory powers, professional service corporations, pre- paid legal services arrangements, malpractice, the Admission to Practice Rules, the Rules for the Enforcement of Lawyer Conduct, the Rules of Professional Conduct and the ABA Model Rules of Professional Conduct.
- C. Domestic Relations. Study of the substantive and procedural law affecting the formation, disintegration and dissolution of family relations, including those of husband and wife, parent and child, and non-marital. Topics include: jurisdiction, procedure, costs, maintenance, child support, property division, custody, modification and enforcement of orders, some discussion of conflict of laws, taxation, URESA and UPA.

- D. Wills, Estates, Trusts, Probate. Study of the voluntary transmission of assets in contemplation of and at death. Topics include: disposition by will, creation of and disposition by a trust, effectiveness of the disposition in the creation of present and future interests in property, intestate succession, construction problems, powers of appointment, restrictions on perpetuities and accumulations, alternative methods of wealth transmission, some introduction to the basic tax framework important in formulating plans of disposition, and fiduciary administration and management of decedent's estates and trusts.
- E. Conflict of Laws. Study of that part of the law that determines by which state's law a legal problem will be solved. Topics include: choice-of-law problems in torts, contracts, property, domestic relations, administration of estates, and business associations.
- F. Criminal Procedure. Constitutional doctrines governing criminal procedure. Topics include: Fourth, Fifth, Sixth and Eighth Amendments, pertinent due process provisions of Fourteenth Amendment; search and seizure, confessions, identification procedures, right to counsel, arrest, jury trial, double jeopardy, and pertinent provisions of the state constitution. The Superior Court Criminal Rules are examined as they relate to the procedural aspects of raising the constitutional issues.

7-5 Fourth Year Clerkship; Electives.

- A. Administrative Law. Study of the administrative process and its role in the legal system. Subjects include: powers and procedures of administrative agencies, relationship of administrative agencies to executive, judicial and legislative departments of government.
- B. Personal Federal Income Tax. Examination of federal income tax law as it applies to individuals, but not in their role as partners, shareholders, or beneficiaries of trusts or estates. Topics include: concepts of income, gross income, net income, when income should be taxed, to whom it should be taxed and its character as unearned, earned or capital gain income. Deductions are also examined in detail.
- C. Land Use. Study of legal principles and constitutional limitations affecting systems for public regulation of the use of private land. Topics include: planning, zoning, variances, special use permits, subdivision controls, environmental legislation, nuisance, eminent domain, powers of public agencies, "taking" without just compensation, due process, administrative procedures and judicial review, exclusionary zoning and growth control.
- D. Labor Law. Study of the organizational rights of employees and unions and the governance of the use of economic force by employers and unions. Other topics include the duty to bargain collectively, the manner in which collective bargaining is conducted, subjects to which it extends, administration and enforcement of collective bargaining agreements, and relations between a union and its members.
- E. Remedies. Historical development and use of judicial remedies that provide relief for past or potential injuries to interests in real or personal property. Topics include: history of equity, power of equity courts, restitution, specific performance, injunctions, equitable defenses, compensatory and punitive damages, unjust enrichment, constructive trusts, equitable liens, tracing and subrogation.
- F. Antitrust. An examination of the antitrust laws including the Sherman Act, Clayton Act, Robinson-Patman Act, Federal Trade Commission Act; and topics such as monopolies, restraint of trade, mergers, price fixing, boycotts, market allocation, tying arrangements, exclusive dealing and state antitrust law.

- G. Creditor-Debtor Relations. Rights and remedies of creditors and debtors under the Federal Bankruptcy Code, particularly in straight bankruptcy cases and under state laws relating to judgments, judgment liens, executions, attachments, garnishments, fraudulent conveyances, compositions, assignments for the benefit of creditors, and debtor's exemptions.
- H. Securities Regulation. Study of legal control over the issuance and distribution of corporate securities. Topics include: registration and distribution of securities under the Federal Securities Act of 1933, including the definition of a security; basic structure, applicability, and prohibitions of the Act; underwriting; preparation, processing and use of registration statement and prospectuses; exemptions from registration under the Act, including Regulation A, private offerings, and business reorganizations and recapitalizations; secondary distributions; brokers transactions; and civil liability for violation of the Act. Registration, distribution and regulation of securities under state "blue sky" laws, including the State of Washington Securities Act. Regulation of franchise arrangements under the Federal Securities Act of 1933 and the State of Washington Franchise Investment Protection Act. Regulation of national securities exchanges and broker-dealers; registration and listing of securities on national securities exchanges; periodic reporting and public disclosure of information requirements for companies whose securities are traded on national securities exchanges; and civil liability for violation of the Act. Regulation of mutual funds and other types of investment companies under the Federal Investment Company Act of 1940.
- I. Legal Accounting. Bookkeeping, use of journals and ledgers, analysis of financial statements, professional responsibility of a lawyer to a corporate client and relationship to accountants involved in a client's financial affairs. Course also addresses lawyer's accounting and recordkeeping obligations to his or her client under the Rules of Professional Conduct or its successor.
- J. International Law. Legal process by which interests are adjusted and authoritative decisions made on the international level. Topics include: nature and source of international law, law of treaties, jurisdiction, some discussion of international legal organizations, state responsibility and international claims for wrongs to citizens abroad, and application of international law in United States courts.
- K. Insurance. Legal principles governing formal mechanisms for the distribution of risk of loss. Emphasis is on property, casualty, life insurance. Topics include: marketing of insurance, indemnity principle, insurable interest, amount of recovery and subrogation, persons and interests protected, brokers, and identification of risks transferred by insurance.
- L. Consumer Protection. Selected laws for protection of consumers, including federal, state and local laws that prohibit deceptive advertising, mandate disclosure of information, regulate credit practices, license occupations, establish quality standards for products and services, and condemn "unfair" practices. Emphasis on the theoretical justifications for governmental intervention in the marketplace. Attention to problems of consumer justice administration, including informal dispute resolution procedures and representation of consumer interests in administrative and legislative proceedings.
- M. Environmental Law. Survey of citizen, legislative, administrative and judicial action in response to the reality and the threat of man-induced alteration to the natural environment; focuses on National Environmental Policy Act, federal air and water pollution control legislation, state air and water

pollution control statutes and shoreline management.

- N. Real Property Security. Methods by which an obligation may be secured by real property of the obligor or of a third person. Covers the common-law principles and statutes that regulate the creation, operation, and extinguishment of the legal relations known as the real property mortgage and deed of trust, considered in the context of financing the purchase or development of land. Some attention must be given to principles governing operation of the lending industry.
- O. American Indian Law. Tribal/state/federal judicial and legislative jurisdiction in Indian country. Criminal and civil jurisdiction. Indian religious freedom. Indian water rights. Special hunting and fishing rights. History of federal laws and policies towards Indians. Current federal law and policy. Judicial trends in Indian cases. The federal trust responsibility toward Indian tribes; tribal powers of self government. Tribal courts. Federal supremacy (preemption) over state law in Indian country.
- P. Trial Practicum. Advanced course in preparing for trial. Resources should include sample cases and text books as well as evidence and civil rules. The clerk will write a fully researched brief, motions in limine, prepare ER 904; prepare objections to opposition motions in limine and ER 904; argue pretrial motions; research and perform voir dire; prepare and give an opening statement; prepare and give a direct exam with introduction of multiple exhibits; prepare and give a cross exam with introduction of exhibits; draft and argue jury instructions; prepare and give a closing statement.
- Then to be assigned an actual case in litigation and add to the above, a mock trial which includes: prepared statement of the “story” of the case; illustrate how each witness fits into the story and what evidence is to be used with each witness; develop direct examination of one witness, cross examination of one witness and at least one exhibit for each witness; prepare and give an opening; conduct voir dire of volunteers; examine a witness; handle objections; and argue sample motions in limine. The clerk is expected to attend court proceedings regularly, and participate to the extent permitted by APR 9, if licensed.
- Q. Elder and Disability Law. An examination and study of the complex legal needs of people who are elderly and people who have a disability. This course examines major issues and substantive laws affecting people who are elderly or who have a disability including income protection, asset preservation and protection, options for financing long-term care and healthcare, planning for incapacity and the use of traditional and nontraditional estate and life care planning devices such as wills, trusts, special needs trusts, powers of attorney, guardianships, adult protection actions and other devices but in the context of the needs of people who are elderly or who have a disability. This course will also address the special ethical challenges and concerns of lawyers who are practicing elder and disability law.

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Marya C. Noyes, Chair Low Bono Section
DATE: July 27, 2023
RE: Proposed Bylaws Amendment

ACTION: Amend Low Bono Section Bylaws to reduce executive committee term lengths.

In the existing Low Bono Section Bylaws there is a mismatch in expectation between the number of years an officer has been elected (1 year), and the number of years an individual is on the executive committee (2 years). The proposed bylaws have been amended so that all positions on the executive committee have a term length of one year, rather than a term of two years on the committee even if elected to a one-year officer position. The intent is to resolve the mismatch and avoid continued confusion on this issue.

The issue came to light this last year. When the confusion in term length was discovered, the executive committee discussed it in several executive committee meetings and voted to rectify the apparent mismatch between officer term length and term length on the executive committee.

The proposed amendments also include some minor edits to entity references.

As a Section, we don't see this issue as relevant to the listed equity factors or marginalized communities, outside of the fact that signing up for a one-year term instead of a two-year term may increase the amount of participation in our section. However, it should be noted that the statement is simply a hypothesis. We have no underlying data to support this possibility. We did not consult anyone outside of the executive committee, considering that the issue directly affects a few members of the Low Bono executive committee and those members voted unanimously for this change.

We do not anticipate any budgetary impact as a result of the proposed amendments.

The Section executive committee voted to approve these proposed amendments on March 8, 2023.

Marya C. Noyes, Chair, Low Bono Section

Attachments

- 2023-02-10 Low Bono Revised Bylaws v2 redlined
- 2023-02-10 Low Bono Revised Bylaws v2 Clean

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

Board Action: The Board is asked to approve changes to the Section Bylaws. The purpose of the change is to clarify the membership and terms on the Section Executive Committee. Specifically, the intended change appears align the term length of the Section Officers (1 year) with the term length of the Executive Committee (1 year). These changes do not appear to cause legal risk to the WSBA.

Risk Factors to Consider:

- (1) Section Bylaws must be consistent with the WSBA Bylaws. (WSBA Bylaws (XI.F.1)). These section bylaws appear to be generally consistent with the WSBA Bylaws. There are some references to rules that no longer exist that should be cleaned up and clarified in the future.
- (2) Although not likely a legal risk, confusion about the meaning and intent of bylaw provisions can cause difficulties. The section bylaws are perhaps unclear about how and why the executive committee gets from 5 members to more member; whether there are term limits on the number of 1 year officer or executive committee terms; and whether the executive committee can operate with less than 5 members if an office is temporarily vacant. The Board could discuss these considerations or simply allow the Section to consider these issues in the future.

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

The fiscal impact to WSBA resulting from the proposed bylaw changes is limited to the amount of staff time used to incorporate changes to WSBA records and outreach to communicate changes. The staff time that would be allocated to this work is included in the overall duties of existing WSBA staff and would not require additional staff or allocation of resources from other internal sources.

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

The purpose of the equity analyses is to understand how entities incorporated an equity lens into the action items presented to the Board of Governors. An equity lens is 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. Based on our review, there does not appear to any concerns about inequitable outcomes as the section's proposal is focused on clarifying the bylaws.

WASHINGTON STATE BAR ASSOCIATION

LOW BONO SECTION

Bylaws

As last amended and approved by the
Washington State Bar Association Board of Governors on ~~July 27, 2017~~ [Click or tap to enter a date.](#)

ARTICLE I. ~~ARTICLE I.~~ NAME

The name of ~~this~~ Section (~~the "Section"~~) is the "Low Bono Section" of the Washington State Bar Association (~~hereinafter referred to as the "Section"~~ WSBA).

ARTICLE II. ~~ARTICLE II.~~ PURPOSE

The purpose of ~~this~~ Section shall be to benefit the members of the ~~Washington State Bar Association~~ WSBA and the general public by:

- 2.1 Developing and providing resources for members, regardless of field or area of practice, who are dedicated and committed to providing low bono legal services, defined as legal and law-related services provided with the intent to increase accessibility of legal services for people of moderate financial means.
- 2.2 Providing a forum and opportunity for education, training, and sharing of forms, practice tips, client counseling techniques, alternative forms of conflict resolution, and other resources to and among members of the Section.
- 2.3 Developing "best practices" and "alternative practices" for providing competent, current, efficient, and economical professional services while being mindful of the clients' moderate means.
- 2.4 Promoting the provision of low bono legal services as an effective business model for attorneys and other professionals, particularly in solo and small firm environments.
- 2.5 Promoting the provision of low bono legal services as an effective way to increase access to justice in Washington State.
- 2.6 Promoting a mentorship program among members of the Section.

2.7 Undertaking with flexibility such other service not inconsistent with the bylaws of this Section, the bylaws of the ~~Washington State Bar Association~~ WSBA Association, the State Bar Act, and General Rule 12 as may be of benefit to the members of this Section, the legal profession, and the public.

ARTICLE III. ~~ARTICLE III.~~ MEMBERSHIP

Any Active member ~~in good standing of the Washington State Bar Association~~ WSBA and any professor at a Washington law school (whether licensed in Washington or not) (~~APR 8(d); Emeritus~~ Pro Bono member (APR ~~8~~3(eg)); House Counsel (APR 8(f)); or any lawyer who is a full time lawyer in a branch of the military who is stationed in Washington but not licensed in Washington (~~APR 8(g)~~) may be enrolled as a voting member of this Section upon request and payment of annual Section dues in the amount and for the purpose approved by the Board of Governors of the ~~Washington State Bar Association~~ ("BOG") pursuant to these bylaws.

In addition, law students and people not licensed to practice law may be ~~enrolled as subscribers (non-voting nonvoting members)~~ enrolled as subscribers (non-voting nonvoting members) of the Section by paying the Section dues as required by the ~~Washington State Bar Association~~ WSBA Association. Voting members and ~~subscribers nonvoting members~~ subscribers nonvoting members of the Section are hereinafter collectively referred to as "members."

Commented [JS1]: The rules and WSBA Bylaws have changed since this section was drafted. These changes are needed at some point to be accurate and not cause confusion.

ARTICLE IV. ~~ARTICLE IV.~~ MEETINGS OF THE MEMBERSHIP

4.1 **Quorum.** The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

~~4.1~~ Controlling Vote

4.2 **Voting.** Acts of the Section which are required to be taken by its members shall be made by majority vote of the voting members present at a meeting.

4.3 **Meetings.** Meetings of the membership of the Section may be called by the Chair, Chair-elect, or executive committee at such time and place as it may determine. Notice of all meetings must be given to Section members and published on the ~~Washington State Bar Association's~~ WSBA's website.

ARTICLE V. ~~ARTICLE V.~~ PRINCIPAL OFFICE

The ~~Principal Office~~ principal office of the Section shall be maintained ~~in~~ at the offices of the ~~Washington State Bar Association~~ WSBA Association.

ARTICLE VI. ~~ARTICLE VI.~~ FISCAL YEAR

The fiscal year of the Section shall coincide with that of the ~~Washington State Bar Association~~ WSBA, October 1 through September 30.

ARTICLE VII. ~~ARTICLE VII.~~ EXECUTIVE COMMITTEE

7.1 Powers and Duties. The executive committee shall be vested with the powers and duties necessary for the administration of the affairs of the Section including, without limitation, the power and duty to act on behalf of the Section in connection with the Purposes listed in Article II. The executive committee shall have the authority to determine the amount of section dues submitted to the BOG for approval, submit a budget for BOG approval and approve expenditures consistent with approved ~~Washington State Bar Association~~ WSBA fiscal policies and procedures, and shall perform duties assigned to it by the ~~Board of Governors~~ BOG. The executive committee shall have the responsibility of establishing and discontinuing committees of the Section.

7.2 Composition. The executive committee shall be composed of at least five (5) voting members of the Section. Five (5) positions on the executive committee shall be held *ex officio* by the officers of the Section. The number of voting members of the executive committee may be increased from time to time ~~to~~ by up to eight (8) additional voting members (other than officers). The executive committee may have any number of additional ~~non-voting~~ nonvoting liaison positions, which may be held by people who are not qualified to be voting members of the Section. The executive committee should encourage law students and ~~limited license legal technician students~~ to participate as ~~non-voting~~ nonvoting liaisons.

~~The term of each voting member and of each non-voting liaison of the executive committee shall begin on October 1, and be for two years, or until the member or non-voting liaison is removed or a successor is appointed.~~

The executive committee will appoint, by majority vote, voting members and ~~non-voting~~ nonvoting liaisons to fill vacancies on the executive committee. When a voting member or ~~non-voting~~ nonvoting liaison is appointed to fill a vacancy in an unexpired term, the voting member or ~~non-voting~~ nonvoting liaison will hold such position until the next annual election when an individual will be elected to serve the remainder of the vacated term.

Any voting member or ~~non-voting~~ nonvoting liaison may be removed from the executive committee by a two-thirds vote of the voting members of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the Section membership.

~~Notwithstanding any other provision in these bylaws, to create staggered positions, for the initial constitution of the executive committee, the initial term of the voting members (as executive committee~~

~~members and not for the one (1) year officer term) shall be for five (5) years, and four of the remaining eight (8) voting member positions shall be for three (3) years.~~

~~7.1~~ ~~Vote~~

7.3 Voting. Acts of the executive committee shall be by majority vote of the voting members of the executive committee, after a quorum (a majority of the voting members of the executive committee) is established. Voting may be in person, by telephone, by videoconference, or by email as permitted by the ~~Washington State Bar Association's WSBA's~~ Bylaws. All voting members of the executive committee, including all officers, shall be entitled to vote.

7.4 Meetings. Meetings of the executive committee shall be held at such time and place as may be designated by the Chair or a majority of the executive committee. Section members and the public shall be entitled to attend executive committee meetings and shall receive notices of such meetings. ~~The executive committee shall conduct a minimum of four meetings per year.~~ Notice for meetings shall be provided, may be by electronic means, and shall be a reasonable amount of time before the meeting. ~~Provided that the minimum number of yearly meetings requirement can be satisfied, the~~The Chair may cancel any meeting of the executive committee.

7.5 Term. ~~The term of office of each of the members of the executive committee and nonvoting liaisons shall commence at the beginning of the fiscal year of the Section (October 1) and extend through the end of the Section's fiscal year.~~

~~7.4~~

Commented [JS2]: You may want to clarify whether there are any limits on the number of 1 year terms an officer or other executive committee member can serve.

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ARTICLE VIII. ~~ARTICLE VIII.~~ COMMITTEES

8.1 Standing and ad hoc Committees. The executive committee shall have the power to designate ~~both~~ standing and ad hoc committees of this Section. Each committee shall have at least one member, its ~~C~~chair. The ~~C~~chair of each committee shall be selected by the Chair ~~of the Section~~, subject to the approval of the majority of the voting members of the executive committee.

8.2 Members. The committee members shall be selected by the Chair ~~of the Section~~ from among members of the Section subject to the approval by a majority of the voting members of the executive committee.

8.3 Term. The terms of the ~~Chair of each committee chair~~ and the members of each committee shall be for the shorter of one (1) year or the duration of the committee.

ARTICLE IX. ~~ARTICLE IX.~~ OFFICERS

9.1 Officers. The officers of this Section shall be as follows: Chair, Chair-elect, Immediate Past Chair, Secretary, and Treasurer. ~~The term of each office shall be one year.~~ Every officer must be a voting member of the Section. ~~An individual who is not a voting member of the executive committee at the time of being elected as officer, or whose existing term on the executive committee is otherwise slated to expire upon taking office, shall begin a two year term on the executive committee at the time of taking office.~~

- 9.2 **Chair.** The Chair shall be the chief executive officer of the Section and, subject to the executive committee's oversight, shall supervise and control all the affairs of the Section. The Chair shall preside at all meetings of the Section and of the executive committee. The person holding the office of Chair shall automatically succeed to the office of Immediate Past Chair upon completion of the one-year term as Chair.
- 9.3 **Chair-elect.** The Chair-elect shall exercise the duties and responsibilities of the Chair in the absence or inability of the Chair to so act. The Chair-elect shall have such other powers and perform such other duties consistent with these bylaws as, from time to time, may be requested by the Chair or the executive committee. The person holding the office of Chair-elect shall automatically succeed to the office of Chair upon completion of the one-year term as Chair-elect.
- 9.4 **Immediate Past Chair.** The Immediate Past Chair shall exercise the duties and responsibilities of the Chair in the absence or inability of both the Chair and the Chair-elect to so act. The Immediate Past Chair shall have such other powers and perform such other duties consistent with these bylaws as, from time to time, may be requested by the Chair or the executive committee.
- 9.5 **Secretary.** It shall be the duty of the Secretary to prepare minutes of the proceedings of all meetings of the Section and of all meetings of the executive committee and provide approved minutes to the ~~Washington State Bar Association~~ WSBA for publication and records retention. Upon direction by the Chair, and as authorized by the executive committee, the Secretary shall attend generally to the business of the Section.
- 9.6 **Treasurer.** The Treasurer will work with the ~~Bar~~ WSBA to ensure that the Section complies with ~~Washington State Bar Association's~~ WSBA's fiscal policies and procedures, work with the ~~Washington State Bar Association~~ WSBA Association to prepare the Section's annual budget, and review the Section's monthly financial statements for accuracy and comparison to budget.
- 9.7 **Term.** The term of office of each of the officers shall commence at the beginning of the fiscal year of the Section (October 1) ~~or as otherwise described in these bylaws~~ and extend through the end of the Section's fiscal year.

Commented [JS3]: Although it seems obvious, you might consider adding this is the beginning of the fiscal year immediately following the election.

ARTICLE X. ~~ARTICLE X.~~ ELECTIONS

- 10.1 Officers, Other Voting Members of the Executive Committee, ~~Non-Voting~~Nonvoting Liaisons.** Nominations and elections for open officer positions and other open executive committee positions will be held between March and May each year. The ~~Washington State Bar Association~~WSBA will administer the elections by electronic means and certify the results, unless the Section develops its own equivalent electronic election process. In the event of a tie, the executive committee will determine the winner using a coin toss at its next meeting where a quorum is established. Each voting member of the Section in good standing as of the date of the annual election shall have one vote for each open position.
- 10.2 Nominating Committee.** Each year, the executive committee or Chair shall appoint a nominating committee of no fewer than three (3) section members, one of whom is not a current member of the executive committee. All applicants will apply through an electronic process administered by the ~~Washington State Bar~~WSBA-Association. The nominating committee shall nominate one or more voting members of the Section for each officer position, may nominate one or more voting members of the Section for open non-officer voting member positions on the executive committee, and may nominate one or more subscribers of the Section for any number of ~~non-voting~~nonvoting liaison positions. As an alternative process to allow for nominations to occur outside of the nominating committee process, any member of the Section may nominate ~~himself or herself~~themselves for open positions. All nominees must meet the prerequisites for the position for which they are running. The executive committee will approve a list of nominees for each open position.

ARTICLE XI. ~~ARTICLE XI.~~ AMENDMENTS

These bylaws may be amended at an annual meeting of the Section by a majority vote of the voting members of the Section present. These bylaws may also be amended at any regular or special meeting of the executive committee of the Section called for the purpose of amending the bylaws and upon five (5) business days with written notice, by any reasonable means, including electronic, to members of the section and the public, by a majority vote of the members of the executive committee present, once a quorum is established. No amendment to these bylaws shall become effective until approved by the ~~Board of Governors of the Washington State Bar Association~~BOG.

ARTICLE XII. ~~ARTICLE XII.~~ LIMITATIONS

These bylaws have been adopted subject to the applicable Washington statutes and the bylaws of the ~~Washington State Bar Association~~WSBA and shall be construed in conformity therewith.

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WASHINGTON STATE BAR ASSOCIATION

LOW BONO SECTION

Bylaws

As last amended and approved by the
Washington State Bar Association Board of Governors on [Click or tap to enter a date..](#)

ARTICLE I. NAME

The name of the Section (the “Section”) is the “Low Bono Section” of the Washington State Bar Association (the “WSBA”).

ARTICLE II. PURPOSE

The purpose of the Section shall be to benefit the members of the WSBA and the general public by:

- 2.1 Developing and providing resources for members, regardless of field or area of practice, who are dedicated and committed to providing low bono legal services, defined as legal and law-related services provided with the intent to increase accessibility of legal services for people of moderate financial means.
- 2.2 Providing a forum and opportunity for education, training, and sharing of forms, practice tips, client counseling techniques, alternative forms of conflict resolution, and other resources to and among members of the Section.
- 2.3 Developing best and alternative practices for providing competent, current, efficient, and economical professional services while being mindful of the clients’ moderate means.
- 2.4 Promoting the provision of low bono legal services as an effective business model for attorneys and other professionals, particularly in solo and small firm environments.
- 2.5 Promoting the provision of low bono legal services as an effective way to increase access to justice in Washington State.
- 2.6 Promoting a mentorship program among members of the Section.
- 2.7 Undertaking with flexibility such other service not inconsistent with the bylaws of the Section, the bylaws of the WSBA, the State Bar Act, and General Rule 12 as may be of benefit to the members of the Section, the legal profession, and the public.

ARTICLE III. MEMBERSHIP

Any Active member of the WSBA and any professor at a Washington law school (whether licensed in Washington or not) (APR 8(d)); Pro Bono member (APR 8(e)); House Counsel (APR 8(f)); or any lawyer

who is a full time lawyer in a branch of the military who is stationed in Washington but not licensed in Washington (APR 8(g)) may be enrolled as a voting member of the Section upon request and payment of annual Section dues in the amount and for the purpose approved by the Board of Governors of the WSBA (“**BOG**”) pursuant to these bylaws.

In addition, law students and people not licensed to practice law may be nonvoting members of the Section by paying the Section dues as required by the WSBA. Voting members and nonvoting members of the Section are hereinafter collectively referred to as “**members**.”

ARTICLE IV. MEETINGS OF THE MEMBERSHIP

- 4.1 Quorum.** The members of the Section present at any meeting shall constitute a quorum for the transaction of business.
- 4.2 Voting.** Acts of the Section which are required to be taken by its members shall be made by majority vote of the voting members present at a meeting.
- 4.3 Meetings.** Meetings of the membership of the Section may be called by the Chair, Chair-elect, or executive committee at such time and place as it may determine. Notice of all meetings must be given to Section members and published on the WSBA’s website.

ARTICLE V. PRINCIPAL OFFICE

The principal office of the Section shall be maintained at the offices of the WSBA.

ARTICLE VI. FISCAL YEAR

The fiscal year of the Section shall coincide with that of the WSBA, October 1 through September 30.

ARTICLE VII. EXECUTIVE COMMITTEE

- 7.1 Powers and Duties.** The executive committee shall be vested with the powers and duties necessary for the administration of the affairs of the Section including, without limitation, the power and duty to act on behalf of the Section in connection with the Purposes listed in Article II. The executive committee shall have the authority to determine the amount of section dues submitted to the BOG for approval, submit a budget for BOG approval and approve expenditures consistent with approved WSBA fiscal policies and procedures, and shall perform duties assigned to it by the BOG. The executive committee shall have the responsibility of establishing and discontinuing committees of the Section.
- 7.2 Composition.** The executive committee shall be composed of at least five (5) voting members of the Section. Five (5) positions on the executive committee shall be held *ex officio* by the officers of the Section. The number of voting members of the executive committee may be increased from time to time to up to eight (8) additional voting members (other than officers). The executive committee may have any number of additional nonvoting liaison positions, which may be held by people who are not qualified to be voting members of the Section. The executive committee should encourage law students to participate as nonvoting liaisons.

The executive committee will appoint, by majority vote, voting members and nonvoting liaisons to fill vacancies on the executive committee. When a voting member or nonvoting liaison is appointed to fill a vacancy in an unexpired term, the voting member or nonvoting liaison will hold such position until the next annual election when an individual will be elected to serve the remainder of the vacated term.

Any voting member or nonvoting liaison may be removed from the executive committee by a two-thirds vote of the voting members of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the Section membership.

- 7.3 Voting.** Acts of the executive committee shall be by majority vote of the voting members of the executive committee, after a quorum (a majority of the voting members of the executive committee) is established. Voting may be in person, by telephone, by videoconference, or by email as permitted by the WSBA's Bylaws. All voting members of the executive committee, including all officers, shall be entitled to vote.
- 7.4 Meetings.** Meetings of the executive committee shall be held at such time and place as may be designated by the Chair or a majority of the executive committee. Section members and the public shall be entitled to attend executive committee meetings and shall receive notices of such meetings. Notice for meetings shall be provided, may be by electronic means, and shall be a reasonable amount of time before the meeting. The Chair may cancel any meeting of the executive committee.
- 7.5 Term.** The term of office of each of the members of the executive committee and nonvoting liaisons shall commence at the beginning of the fiscal year of the Section (October 1) and extend through the end of the Section's fiscal year.

ARTICLE VIII. COMMITTEES

- 8.1 Standing and ad hoc Committees.** The executive committee shall have the power to designate both standing and ad hoc committees of the Section. Each committee shall have at least one member, its chair. The chair of each committee shall be selected by the Chair, subject to the approval of the majority of the voting members of the executive committee.
- 8.2 Members.** The committee members shall be selected by the Chair from among members of the Section subject to the approval by a majority of the voting members of the executive committee.
- 8.3 Term.** The terms of the chair and the members of each committee shall be for the shorter of one (1) year or the duration of the committee.

ARTICLE IX. OFFICERS

- 9.1 Officers.** The officers of the Section shall be as follows: Chair, Chair-elect, Immediate Past Chair, Secretary, and Treasurer. Every officer must be a voting member of the Section.

- 9.2 Chair.** The Chair shall be the chief executive officer of the Section and, subject to the executive committee's oversight, shall supervise and control all the affairs of the Section. The Chair shall preside at all meetings of the Section and of the executive committee. The person holding the office of Chair shall automatically succeed to the office of Immediate Past Chair upon completion of the one-year term as Chair.
- 9.3 Chair-elect.** The Chair-elect shall exercise the duties and responsibilities of the Chair in the absence or inability of the Chair to so act. The Chair-elect shall have such other powers and perform such other duties consistent with these bylaws as, from time to time, may be requested by the Chair or the executive committee. The person holding the office of Chair-elect shall automatically succeed to the office of Chair upon completion of the one-year term as Chair-elect.
- 9.4 Immediate Past Chair.** The Immediate Past Chair shall exercise the duties and responsibilities of the Chair in the absence or inability of both the Chair and the Chair-elect to so act. The Immediate Past Chair shall have such other powers and perform such other duties consistent with these bylaws as, from time to time, may be requested by the Chair or the executive committee.
- 9.5 Secretary.** It shall be the duty of the Secretary to prepare minutes of the proceedings of all meetings of the Section and of all meetings of the executive committee and provide approved minutes to the WSBA for publication and records retention. Upon direction by the Chair, and as authorized by the executive committee, the Secretary shall attend generally to the business of the Section.
- 9.6 Treasurer.** The Treasurer will work with the WSBA to ensure that the Section complies with WSBA's fiscal policies and procedures, work with the WSBA to prepare the Section's annual budget and review the Section's monthly financial statements for accuracy and comparison to budget.
- 9.7 Term.** The term of office of each of the officers shall commence at the beginning of the fiscal year of the Section (October 1) and extend through the end of the Section's fiscal year.

ARTICLE X. ELECTIONS

- 10.1 Officers, Other Voting Members of the Executive Committee, Nonvoting Liaisons.** Nominations and elections for open officer positions and other open executive committee positions will be held between March and May each year. The WSBA will administer the elections by electronic means and certify the results unless the Section develops its own equivalent electronic election process. In the event of a tie, the executive committee will determine the winner using a coin toss at its next meeting where a quorum is established. Each voting member of the Section in good standing as of the date of the annual election shall have one vote for each open position.
- 10.2 Nominating Committee.** Each year, the executive committee or Chair shall appoint a nominating committee of no fewer than three (3) section members, one of whom is not a current member of the executive committee. All applicants will apply through an electronic process administered by the WSBA. The nominating committee shall nominate one or more voting members of the Section for each officer position, may nominate one or more voting members of the Section for open non-officer voting member positions on the executive

committee, and may nominate one or more subscribers of the Section for any number of nonvoting liaison positions. As an alternative process to allow for nominations to occur outside of the nominating committee process, any member of the Section may nominate themselves for open positions. All nominees must meet the prerequisites for the position for which they are running. The executive committee will approve a list of nominees for each open position.

ARTICLE XI. AMENDMENTS

These bylaws may be amended at an annual meeting of the Section by a majority vote of the voting members of the Section present. These bylaws may also be amended at any regular or special meeting of the executive committee of the Section called for the purpose of amending the bylaws and upon five (5) business days with written notice, by any reasonable means, including electronic, to members of the section and the public, by a majority vote of the members of the executive committee present, once a quorum is established. No amendment to these bylaws shall become effective until approved by the BOG.

ARTICLE XII. LIMITATIONS

These bylaws have been adopted subject to the applicable Washington statutes and the bylaws of the WSBA and shall be construed in conformity therewith.

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

To: Board of Governors

From: Budget and Audit Committee

Re: 2024 World Peace Through Law Membership Dues

Date: August 18, 2023

ACTION: Adopt the request from the World Peace Through Law Section to reduce membership dues from \$30 to \$25 for 2024.

The WSBA Budget and Audit Committee met on August 18, 2023, and reviewed a final draft of the FY2024 budget which included all Section budgets and the attached request from the World Peace Through Law Section to reduce membership dues to \$25 effective January 1, 2024. The section notes that their current dues rate is higher than most other sections and they have a sufficient fund balance to support the reduction in dues. The motion to approve the request was unanimously approved with a vote of 5 to 0.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA President, President-elect, Board of Governors, Executive Director

FROM:

SUBJECT: Request for Change in Section Member Dues in 2024

DATE: _____

The _____ Section requests your approval to change
(increase

or decrease) our section member dues from \$ _____ to \$ _____ effective January 1, 2024.

The new amount has been included in our budget for the 2024 fiscal year which begins October 1, 2023.

Reason for request to change dues:

IMPORTANT:
Please refer to the
BOG Action Item Guide
when completing this template.

1
2 **TO:** WSBA Board of Governors
3 **CC:** Terra Nevitt, Executive Director
4 **FROM:** Pamela Anderson, Chair, Committee on Professional Ethics, Hugh D. Spitzer, CPE Subcommittee Chair
5 **DATE:** July 26, 2023 [revised August 24, 2023]
6 **RE:** Proposed New Comments to RPC 1.2 and RPC 8.4 Regarding Reproductive Rights
7
8

Recommendation that Board of Governors suggest, to the Washington State Supreme Court, the adoption of revised Comments to RPC 1.2 and 8.4 in an updated form based on Board of Governors’ 6/23/23 Meeting.

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10 At its June 23, 2023, meeting, the Board of Governors considered a proposal from the Committee on
11 Professional Ethics regarding additional Comments to RPC 1.2 and 8.4. The new Comments were
12 originally suggested in a narrower form by the Attorney General’s Office. That office recommended
13 adjustments to RPC 1.2 and 8.4 meant to address situations in which a Washington lawyer gives advice
14 which is treated by a prosecutor in another jurisdiction as possible criminal activity. An example would
15 be advising a health care provider, a parent or minor child, or victim of sexual assault, practicing or
16 residing in Idaho about providing or obtaining an abortion in Washington.¹ In such a scenario, an
17 opposing party, family member, political group, member of the public, or prosecutor might file one or
18 more disciplinary grievances against the Washington lawyer.

19 As we observed in our June 12, 2023, Memorandum to the Board of Governors, private citizens,
20 attorneys general, and prosecutors in some jurisdictions already are acting to zealously enforce statutes
21 criminalizing access to reproductive health services.² Efforts to restrict access to reproductive health care

¹ See Richard Hunt, Ethics Implications of Dobbs for Law Firm Management and Client Counseling, American Bar Association (Aug. 22, 2022) (“It is not difficult to imagine prosecutors seeking records of client communications related to abortion discussions and invoking one of the crime-related exceptions to the confidentiality obligation or privilege to obtain those records.”), accessed at: <https://www.americanbar.org/groups/litigation/committees/ethics-professionalism/articles/2022/ethics-implications-dobbs-law-firm-management-client-counseling/> on Mar. 23, 2023.

² These potential threats to Washington lawyers are not limited to criminal prosecution. On January 5, 2023, Idaho’s Supreme Court upheld a "bounty hunter" provision that authorizes "certain family members of the fetus" to file a civil claim for \$20,000 or more in damages—potentially including actions against those who have supported access to legal medical services in Washington. Attorneys general are currently litigating to ensure access to reproductive health medication even in jurisdictions with strong reproductive health protections. See Michel Martin & Gurjit Kaur, Washington State Attorney General Says FDA Rules on Abortion Drug Are Unreasonable, <https://www.npr.org/2023/02/25/1159565357/washington-state-attorney-general-says-fda-rules-on-abortion-drug-are-unreasonab>. In domestic relations law matters involving parties from faith communities with sharply differing values about pregnancy and gender, “bounty hunter” statutes pose an active threat of litigation which could chill lawyers’ willingness to provide legal advice in high-conflict domestic relations disputes.

22 have expanded rapidly beyond the purview of criminal law.³ Further, in jurisdictions that criminalize
23 reproductive health care and assistance to patients/clients, law enforcement routinely investigates these
24 “crimes” using digital evidence.⁴ Washington lawyers thus would have credible concern that law
25 enforcement outside of Washington would investigate conduct associated with advice given by
26 Washington attorneys on Washington reproductive rights law.⁵ In addition, Washington lawyers should
27 not expect that abortion-ban statutes enacted outside Washington state would include express
28 exceptions for communications between lawyers and clients.

29 Two primary RPCs are involved here. RPC 1.2(d) states:

30 A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer
31 knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any
32 proposed course of conduct with a client and may counsel or assist a client to make a
33 good faith effort to determine the validity, scope, meaning or application of the law.

34 Comment [5] to RPC 1.2 notes:

35 Legal representation should not be denied to people who are unable to afford legal
36 services, or whose cause is controversial or the subject of popular disapproval. By the
37 same token, representing a client does not constitute approval of the client’s views or
38 activities.

39 RPC 8.4 (b) states that it is professional misconduct for a lawyer to “commit a criminal act that reflects
40 adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects....”⁶

41 Comment [18] to Washington’s RPC 1.2 currently addresses “Special Circumstances Presented by
42 Washington’s Marijuana Laws” as follows:

43 [18] Under Paragraph (d), a lawyer may counsel a client regarding Washington’s marijuana laws
44 and may assist a client in conduct that the lawyer reasonably believes is permitted by those
45 laws. If Washington law conflicts with federal or tribal law, the lawyer shall also advise the
46 client regarding the related federal or tribal law and policy.

47
48 Comment [8] to Washington’s RPC 8.4 current states:

³ See Lauren Giella, Why Texas is Able to Ban Abortion Pills for the Entire U.S. <https://www.newsweek.com/why-texas-able-ban-abortion-pills-entire-us-1780936>.

⁴ See Runa Sandvik, How U.S. Police Use Digital Data to Prosecute Abortions <https://techcrunch.com/2023/01/27/digital-data-roe-wade-reproductive-privacy/>.

⁵ Regarding the impact of legal threats on providers’ willingness to assist patients/clients with reproductive rights services, see, <https://www.newyorker.com/magazine/2023/05/15/the-problem-with-planned-parenthood>.

⁶ Note that RPC 8.4(i) makes it professional misconduct to “commit any act involving moral turpitude . . . or other act that reflects a disregard for the rule of law. . .”.

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[8] A lawyer who counsels a client regarding Washington’s marijuana laws or assists a client in conduct that the lawyer reasonably believes is permitted by those laws does not thereby violate RPC 8.4. See also RPC 1.2 Washington Comment [18].

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At its June 23, 2023, meeting, the Board of Governors asked the CPE to draft Comments to these two RPCs that were broader than our original proposal, which had focused solely on reproductive rights. Specifically, the Board asked that the CPE consider revising and extending the scope of the proposal, consistent with the Board’s discussion. That discussion included reference to possible Comment language protecting Washington lawyers when they give advice on any conduct that the lawyers reasonably believe is permitted by Washington laws, and potentially referencing advice on reproductive rights and gender-affirming treatment as examples. At least one member of the Board of Governors asked that we review a recent recommendation of Oregon’s Legal Ethics Committee and that state bar’s board of governors, a recommendation that would replace language referencing Oregon’s RPC 1.2 language regarding cannabis laws with broader, more generic language.⁷

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After further consideration, the CPE has concluded that the Board of Governors should recommend, to the State Supreme Court, revised versions of comments to RPC 1.2 and RPC 8.4 that would replace the two existing “special circumstances” Comments referenced above. The replacement Comments will include broader language that encompasses more than just advice on Washington’s cannabis laws. The Comments to be replaced were adopted in 2014 (updated in 2018 and 2023) to provide a safe harbor to Washington lawyers who advise clients on Washington cannabis laws, notwithstanding the fact that cannabis is a controlled substance under federal law and many tribal laws. The Board of Governors has recognized that the issues of criminalized reproductive care and gender-affirming care in neighboring states presents similar though more fundamental, practical, and urgent questions under the RPCs for members of the Washington bar.

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The recommendation below reflects the Board of Governors’ recent directions to the CPE. It also borrows in part from the recent Oregon Legal Ethics Committee recommendation to the Oregon State Bar’s Board of Governors. It should be observed that Oregon’s RPCs contain no comments. We continue

⁷ Based on a recommendation of the Oregon Legal Ethics Committee, the Oregon State Bar’s board of governors has recommended an amendment to RPC 1.2(d) as follows:

(d) Notwithstanding paragraph (c), a lawyer may counsel and assist a client ~~regarding Oregon marijuana-related laws in a proposed course of conduct that the lawyer reasonably believes is permitted under Oregon law.~~ In the event Oregon law conflicts with federal law or tribal law the law of another jurisdiction, the lawyer ~~shall~~ may also advise the client regarding ~~related federal and tribal law and policy~~ such conflict and the potential legal consequences.

77 to recommend that rather than amending a Washington RPC that is identical to ABA Model Rule 1.2, we
78 simply adjust the relevant comments to RPC 1.2 and RPC 8.4.

79 A revised version of Comment [18] to RPC 1.2 should be worded along the lines of the following:

80 *Additional Washington Comment [18]. Special Circumstances Involving Advice and Assistance*
81 *About Washington Laws*

82 [18] Under Paragraph (d), a lawyer may counsel a client regarding ~~Washington's~~
83 ~~marijuana~~ Washington laws and may assist a client in conduct that the lawyer reasonably
84 believes is permitted under those laws (for example and without limitation, Washington laws
85 related to reproductive health care services, gender-affirming care, or cannabis). If
86 Washington law conflicts with federal law, ~~or tribal law,~~ or the law of another jurisdiction, the
87 lawyer shall also advise the client regarding the ~~related federal or tribal law and policy~~
88 conflicting laws or recommend that the client seek the advice of a lawyer with established
89 competence in the field in question. See Comment 1 to Rule 1.1. If a lawyer counsels or
90 assists a client regarding Washington's laws in these circumstances, that conduct, and the
91 predominant effect of the conduct, shall be deemed to occur in Washington for purposes of
92 these Rules.
93

94 A revised Comment [8] to RPC 8.4 should also be proposed, as follows:

95 *Washington Comment [8] to Rule 8.4*

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97 A lawyer who counsels a client regarding Washington laws ~~Washington's laws~~ or assists a
98 client in conduct that the lawyer reasonably believes is permitted by those laws (for
99 example and without limitation, Washington laws related to reproductive health care
100 services, gender-affirming care, or cannabis), does not thereby violate RPC 8.4. See also
101 Washington Comment [18] to RPC 1.2.

102 A clean and a redline version of Comment [18] to Rule 1.2 and Comment [8] to Rule 8.4 accompanies
103 this memo. We would be pleased to provide additional information to the Board of Governors if that
104 would be helpful.

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TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: August 25, 2023
RE: Executive Director's Report

Update on Downsizing the WSBA Office

On April 6, 2023, we kicked off our official downsizing project under the leadership of Deputy Executive Director Dua Abudiab. The goal was to consolidate our use of space to two floors in order to improve collaboration and experience of working onsite as well as prepare for a reduction of our physical space. Our target completion date was September 22. The project involved the following phases:

PHASE I: updating/remodeling and decluttering the 7th floor, building out and equipping hoteling workstations, and moving all employees with assigned workspaces to the 7th floor.

PHASE II: moving all employees off the 8th and 11th floors and sweeping for any remaining supplies and equipment.

PHASE III: decluttering all spaces on all floors (6, 7, 8 and 11) and inventorying remaining office equipment.

The project was completed (ahead of schedule!) on August 21 and celebrated with an open house for all employees to reintroduce our space. Additional downsizing work is pending a decision from the Board regarding our space and includes decommissioning the 8th and 11th floors (remaining items include high volume of old chairs, tabletops, and cubicle partitions) and addressing paper records.

A huge thank you is owed to Dua and our Facilities and Operations Manager Michael Paugh who not only oversaw the project, but also quite literally rolled up their sleeves to make it happen. Thanks also to all the WSBA employees that participated in clean-up days. It was a tremendous team effort!

Attachments

2023 Second Quarter Discipline Report

Litigation Report

[Member Demographics Report](#)

MEMO

To: Terra Nevitt, WSBA Executive Director
From: Douglas J. Ende, WSBA Chief Disciplinary Counsel & Director of the Office of Disciplinary Counsel
Date: August 23, 2023
Re: Quarterly Discipline Report, 2nd Quarter (April – June 2023)

A. Introduction

The Washington Supreme Court’s exclusive responsibility to administer the systems for discipline of licensed legal professionals (including disability systems) is delegated by court rule to WSBA. See GR 12.2(b)(6). Staff and volunteers carrying out the functions delegated by the Rules for Enforcement of Lawyer Conduct (ELC) act under the Supreme Court’s authority. The investigative and prosecutorial function is discharged by the employees in the Office of Disciplinary Counsel (ODC), which is responsible for investigating allegations and evidence of professional misconduct and incapacity and prosecuting violations of the Washington Supreme Court’s Rules of Professional Conduct.

The Quarterly Discipline Report provides a periodic, high-level overview of the functioning of the Office of Disciplinary Counsel. The report graphically depicts key discipline-system indicators for the 2nd Quarter 2023. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2023 Discipline System Annual Report.

B. Public Dispositions & Other Information

• **Public Dispositions**

Disbarments:

Maribeth Mae Hanson, #48474

Robin Lynn Haynes, #38116

Suspensions:

Richard Llewelyn Jones, #12904, 21-month Suspension (*Stipulation*)

Brice Carolyn Leahy, #48353, 3-month Suspension (*Stipulation*)

Merwin Moe Spencer, #40963, 3-year Suspension

Resignations in Lieu of Discipline:

Andra Ruth Blondin, #28268

Frank Shigaihisa Homsher, #26935

John C. Peick, #6249

Arthur Colby Parks, #22508

Reprimands:

Josh Brumley, #49851 (*Stipulation to two Reprimands*)

Admonitions:

James Henry MaGee, #23434 (*Stipulation*)

Reciprocal Discipline:

Leila Louisa Hale, #47247, Reprimand (Nevada)

Zhihua Josh Han, #46204, 16-month Suspension (USPTO)

Richard Forrest White, #19531, Disbarment (Louisiana)

Elliott D. Yug, #25254, 6-month Suspension (Nevada)

Elliott D. Yug, #25254, Reprimand (Nevada)¹

- **Interim Suspensions**

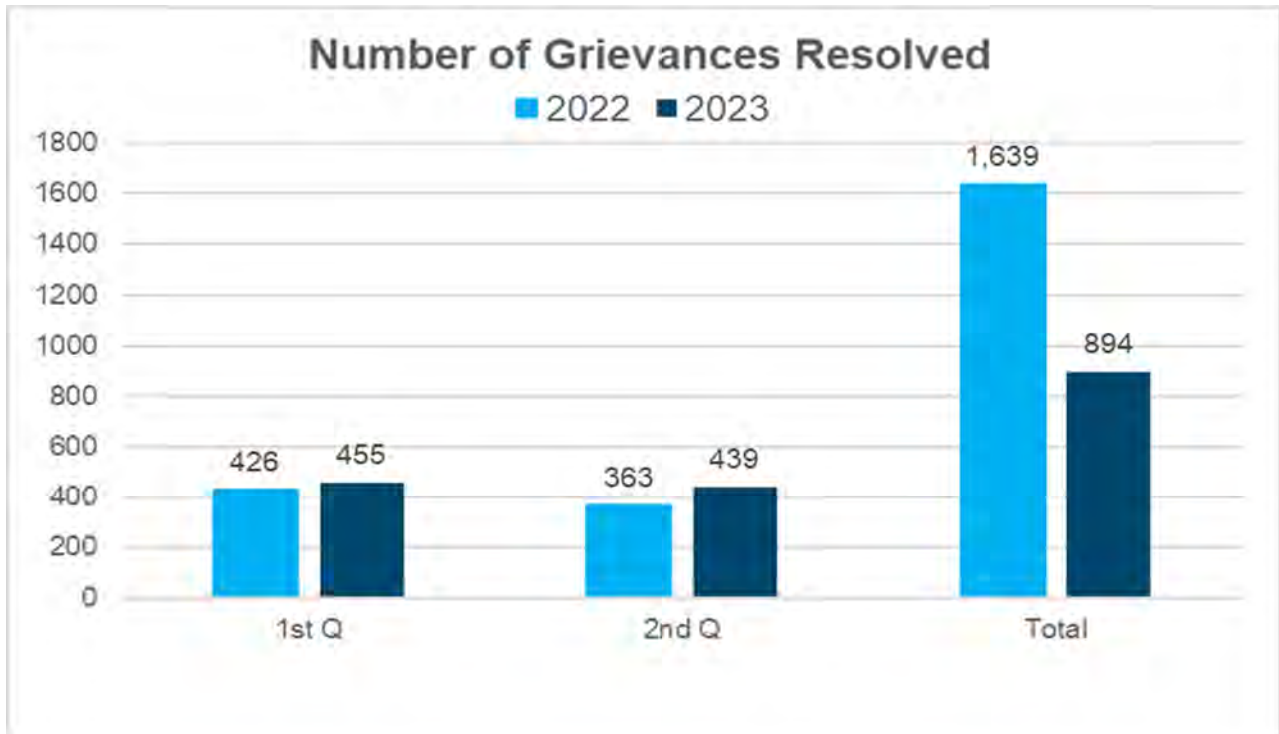
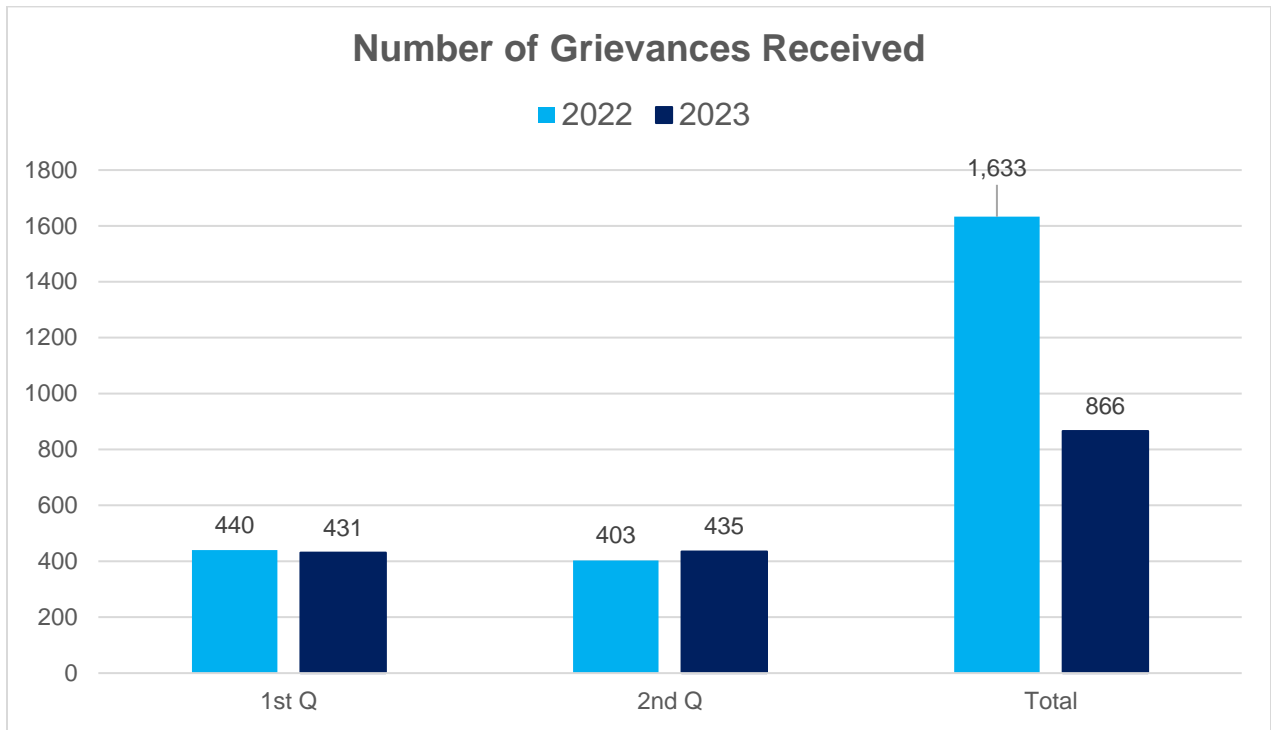
ELC 7.1: Interim Suspension for Conviction of a Crime

Dominique Louise Eng Jinhong, #28293

Richard M. Simpson, #53162

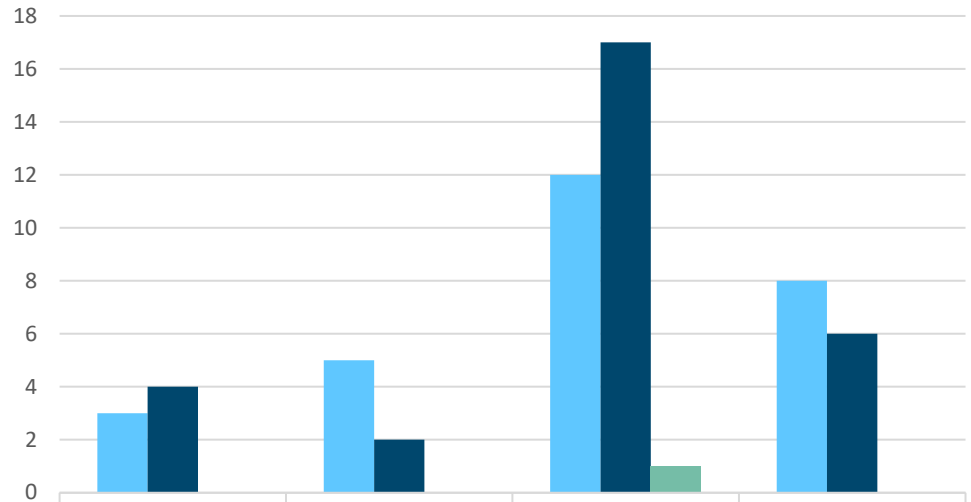
¹ The 6-month suspension and reprimand were included in the same reciprocal discipline order.

C. Grievances and Dispositions²



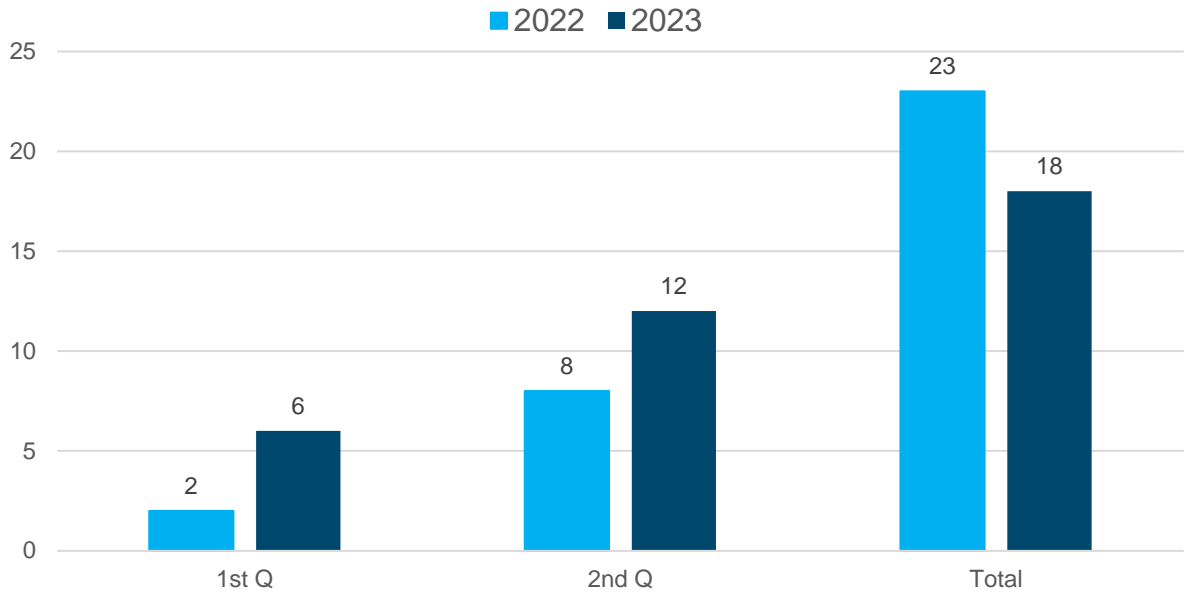
² These figures may vary from subsequent quarterly reports and statistical summaries owing to limitations on data availability at the time of issuance of these quarterly reports.

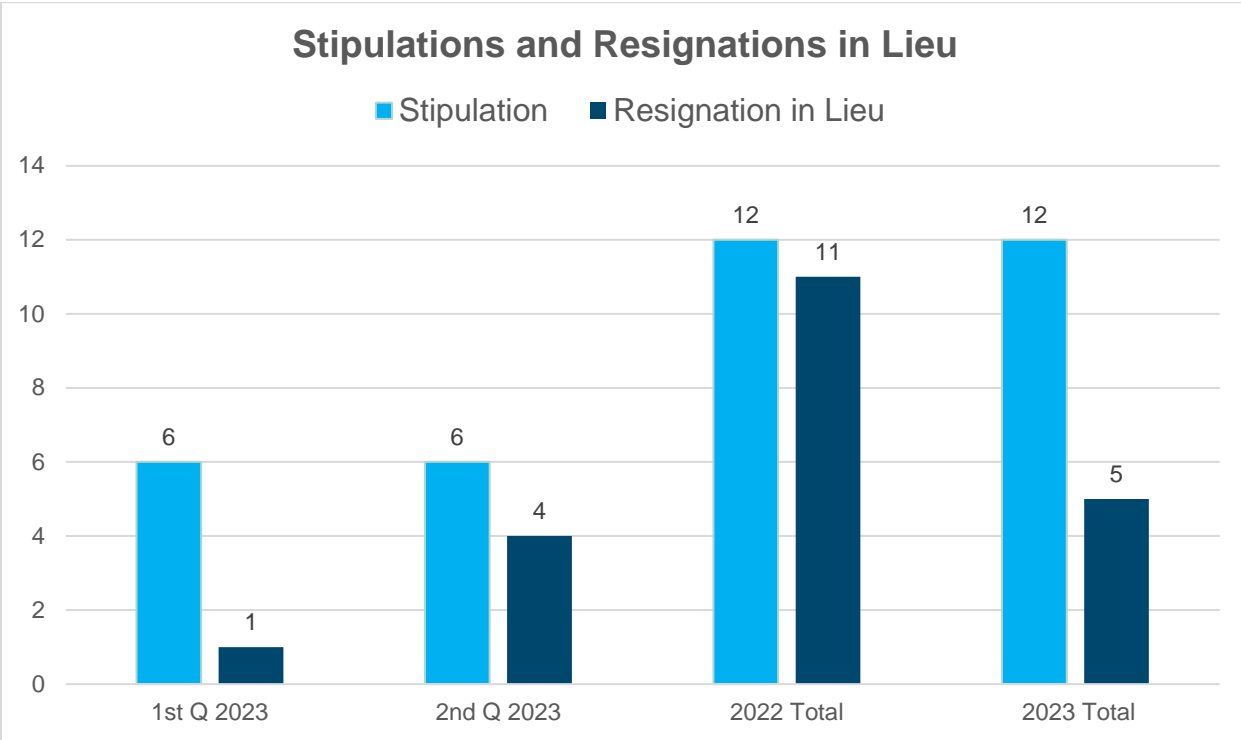
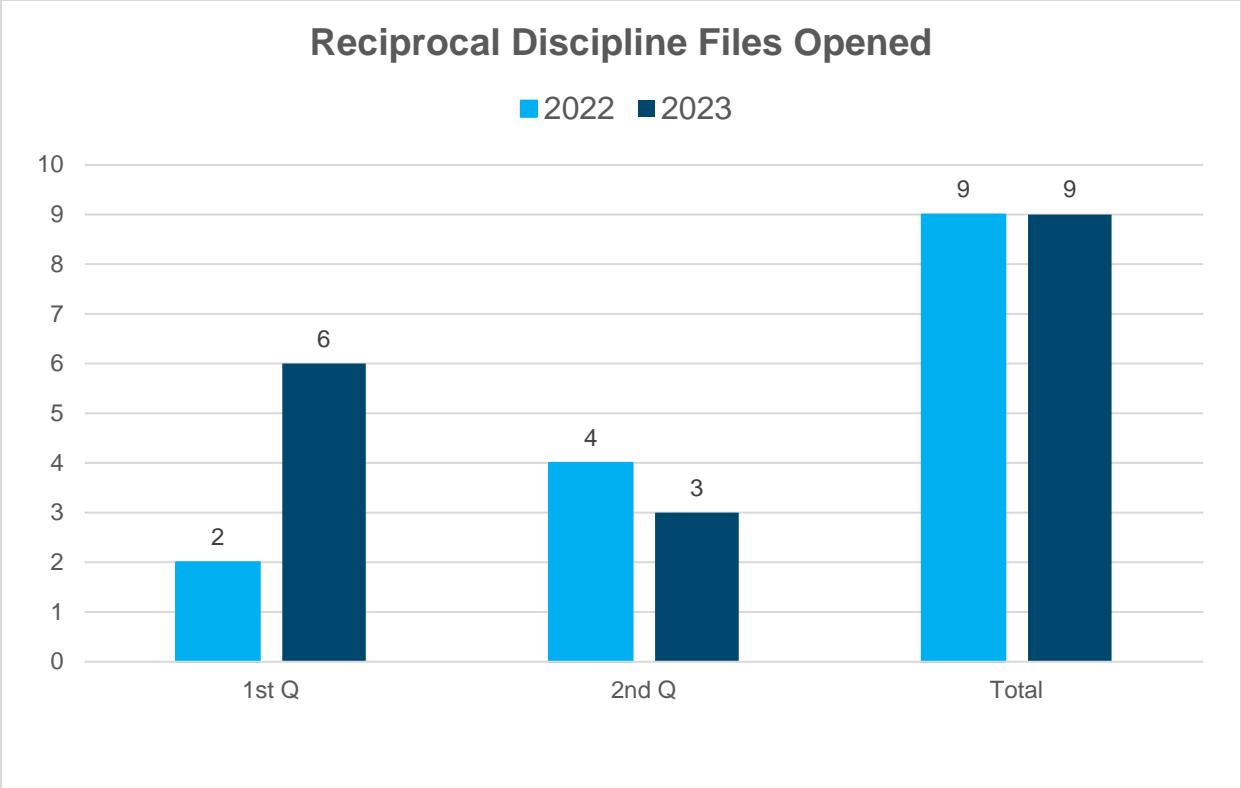
Diversion Statistics



	1st Q 2023	2nd Q 2023	2022 TOTAL	2023 TOTAL
New Diversion Files	3	5	12	8
Completed Diversion Files	4	2	17	6
Terminated Diversion Files	0	0	1	0

Formal Complaints Filed





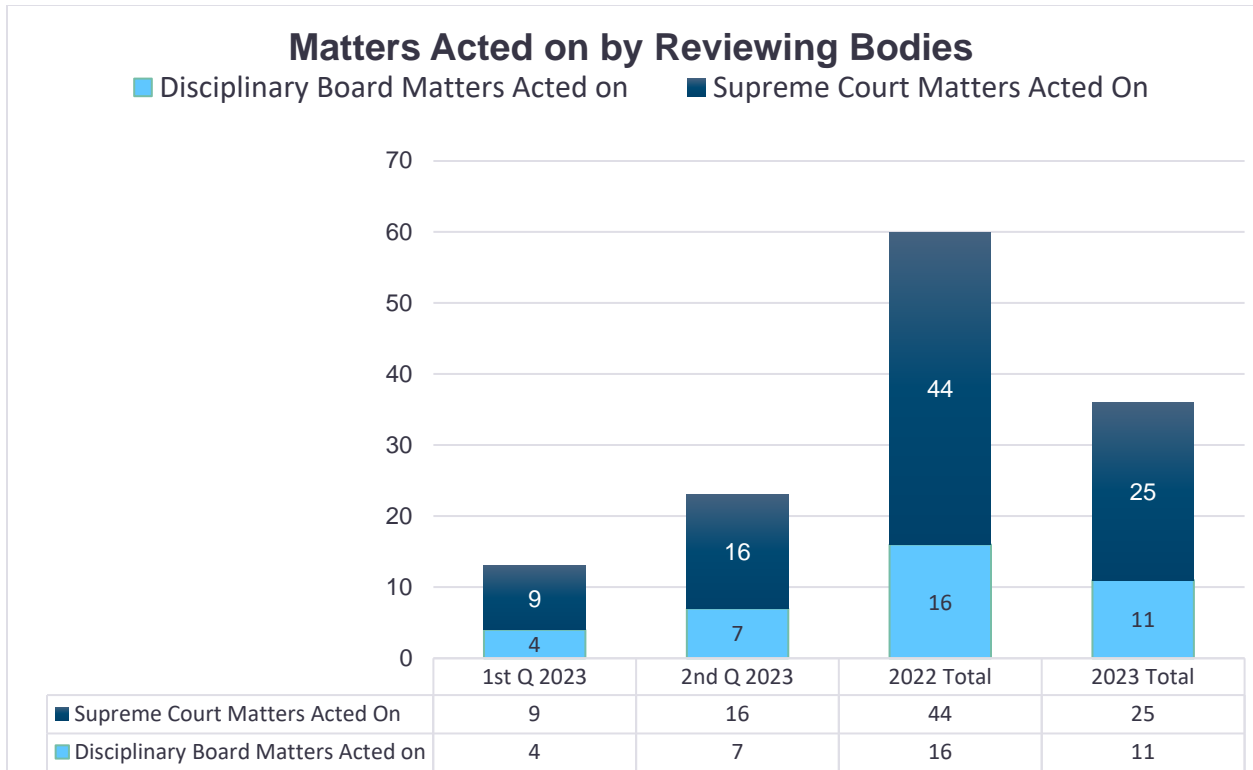
Hearings Held ³	Quarter Total
1 st Quarter	0
2 nd Quarter	1
3 rd Quarter	TBD
4 th Quarter	TBD
2023 Total	1
2022 Total	9

D. Pending Proceedings⁴

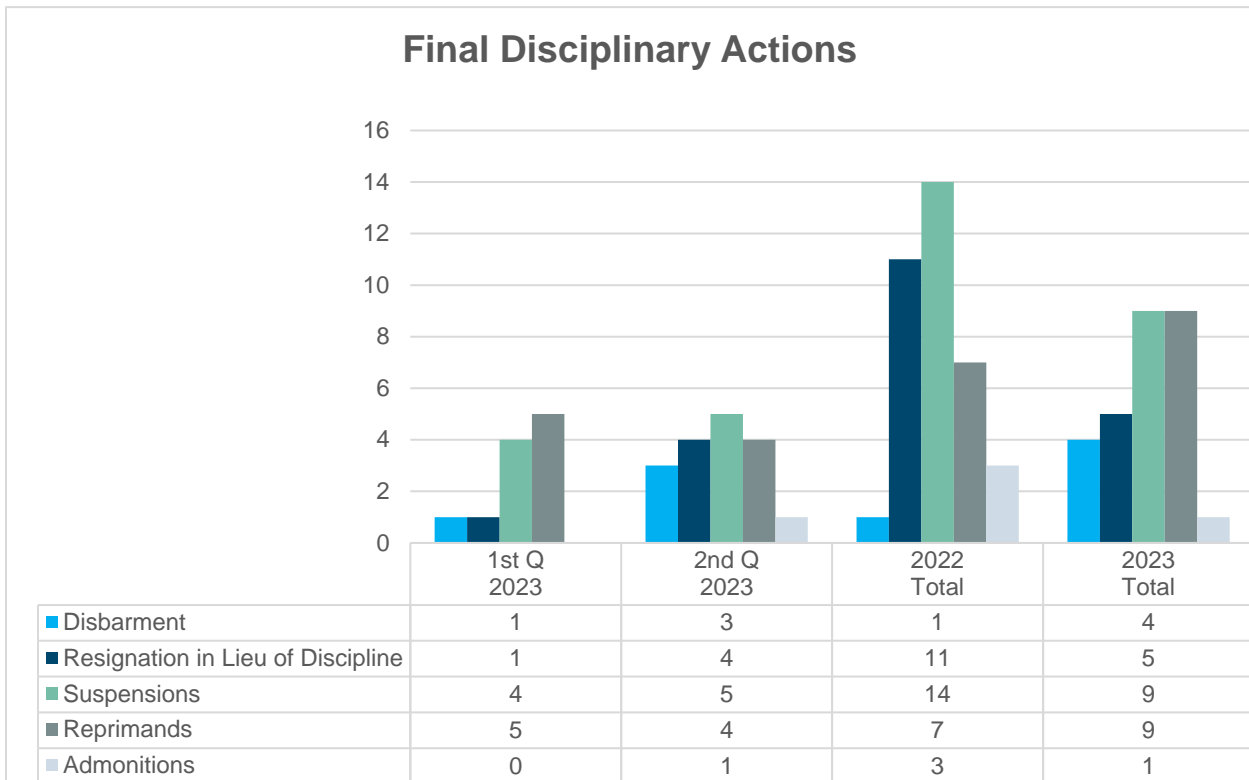
Open Proceedings	2022	2023
Ending 1 st Quarter	31	44
Ending 2 nd Quarter	41	42
Ending 3 rd Quarter	38	TBD
Ending 4 th Quarter	39	TBD

³ Includes default hearings.

⁴ In the second table in this section, the Disciplinary Board numbers reflect Board orders on stipulations and following review after an appeal of a hearing officer's findings.



E. Final Disciplinary Actions



F. Disability Found

Disability Found	Quarter Total
1st Quarter	1
2nd Quarter	2
3rd Quarter	TBD
4th Quarter	TBD
2023 Total	3
2022 Total	4

G. Discipline Costs⁵

Quarterly Discipline Costs Collected	Total
1st Quarter	\$11,162.00
2nd Quarter	\$16,941.37
3rd Quarter	TBD
4th Quarter	TBD
2023 Total	\$28,103.37
2022 Total	\$64,542.24

⁵ The cost figures may vary from amounts indicated in previous quarterly reports, statistical summaries, and annual reports, owing to limitations on the data available at the time of issuance of these quarterly reports and the final cost figures available after WSBA Finance staff closes the monthly books.

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: August 25, 2023
 Re: Litigation Update – current through 08.25.23

No.	Name	Brief Description	Status
1.	<i>Langadinos v. WSBA, et al.</i> , No. 2:23-cv-00250-RSM (W.D. Wash.)	Alleges disability discrimination.	On 6/22/23, the WSBA filed a Motion to Dismiss. Plaintiff filed a response to WSBA’s motion on 7/10/23. WSBA filed a reply in support of MTD on 7/14/23. On 7/21/23, Plaintiff filed an Emergency Motion Requesting to Postpone Decision on Defendant’s MTD for 6 Weeks. WSBA filed a Response on 7/28/23.
2.	<i>Schlecht v. WSBA</i> , No. 23-2-05082-7-KNG (King County Sup. Court)	Alleges improper handling of plaintiff’s records requests.	On 4/24/23, the WSBA filed a Motion to Dismiss. A hearing on the Motion to Dismiss was held on 5/26/23 and the motion was granted with prejudice. On 6/26/23, Schlecht filed a Notice of Appeal to the Supreme Court. Schlecht filed a Statement of Grounds for Direct Review on 7/10/23. On 8/17/23, Schlecht filed a motion to voluntarily dismiss his appeal. The Court granted Schlecht’s motion on 8/18/23. This matter is now closed.
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.	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. 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 (“ <i>Block I – Appeal II</i> ”). Block filed an opening brief in <i>Block I – Appeal II</i> on 11/06/20; WSBA filed its answering brief on 01/07/21. Block’s optional Reply Brief was due on 01/28/21. Block filed a reply brief on 04/26/21 along



		<p>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 (9th 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> <p>On May 23, 2023, the Ninth Circuit rejected Block’s appeal and affirmed the district court’s findings.</p> <p>Update since last report: none.</p>
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WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
From: Budget and Audit Committee
Re: WSBA Facilities Recommendation
Date: August 18, 2023

ACTION: Approve authorization to negotiate with current landlord for lease at Puget Sound Plaza at the time most feasible.

WSBA headquarters is currently located at Puget Sound Plaza in downtown Seattle. The current lease for 50,590 square feet spread across three and a half floors is set to expire on December 31, 2026. Currently, WSBA operations has been consolidated down to two floors (24,468 square feet) and the remaining square footage has been made available for subleasing. WSBA has \$2.7M in a Board-designed Facilities Reserve Fund that exists to support future facilities needs such as an office move, refurbishment of existing space, or preparation for the purchase of operational real estate.

In May of 2023, the Long-Range Strategic Planning Council (LRSPC) presented a recommendation to the Board of Governors regarding the long-term future of the WSBA office space. The recommendation included purchasing a building in King County, and to establish a satellite office in Spokane to use as a potential model for establishing satellite offices in other parts of the state in the future. Additionally, as part of FY24 budget development process, the Board of Governors have also provided feedback about adding funds to the Facilities Reserve and were provided with a draft FY24 budget and fiscal projections for FY25 and FY26 that incorporated a successful renegotiation of WSBA's lease at Puget Sound Plaza.

On August 18, 2023, the Facilities Advisory Subcommittee (of the Budget and Audit Committee) met and reviewed the status of WSBA's office space, including any opportunities to sublease existing unused space, current market conditions for leasing and purchasing of new space, and discussions with the current landlord regarding timeline for lease renewal negotiations. Adam Chapman of JLL (WSBA's real estate broker and member of the Subcommittee) provided additional information regarding the cost to purchase a building to house WSBA's headquarters including: increasing costs for tenant improvements, percentage amount of downpayment required, and interest rates for commercial property loans. He also provided information about current market lease rates in the Seattle downtown area and types of spaces available¹. After discussion, the Subcommittee unanimously approved the recommendation to authorize WSBA to renegotiate with our current landlord at the time most feasible. The Budget and Audit Committee subsequently unanimously approved the Subcommittee's recommendation at their meeting on the same day.

¹ See attached July 2023 market survey.



MARKET SURVEY

JLL Tenant Representation | July 2023

Prepared for



WSBA

Prepared by

Adam Chapman

+1 206 521 2672

Adam.Chapman@jll.com

Clay Nielsen

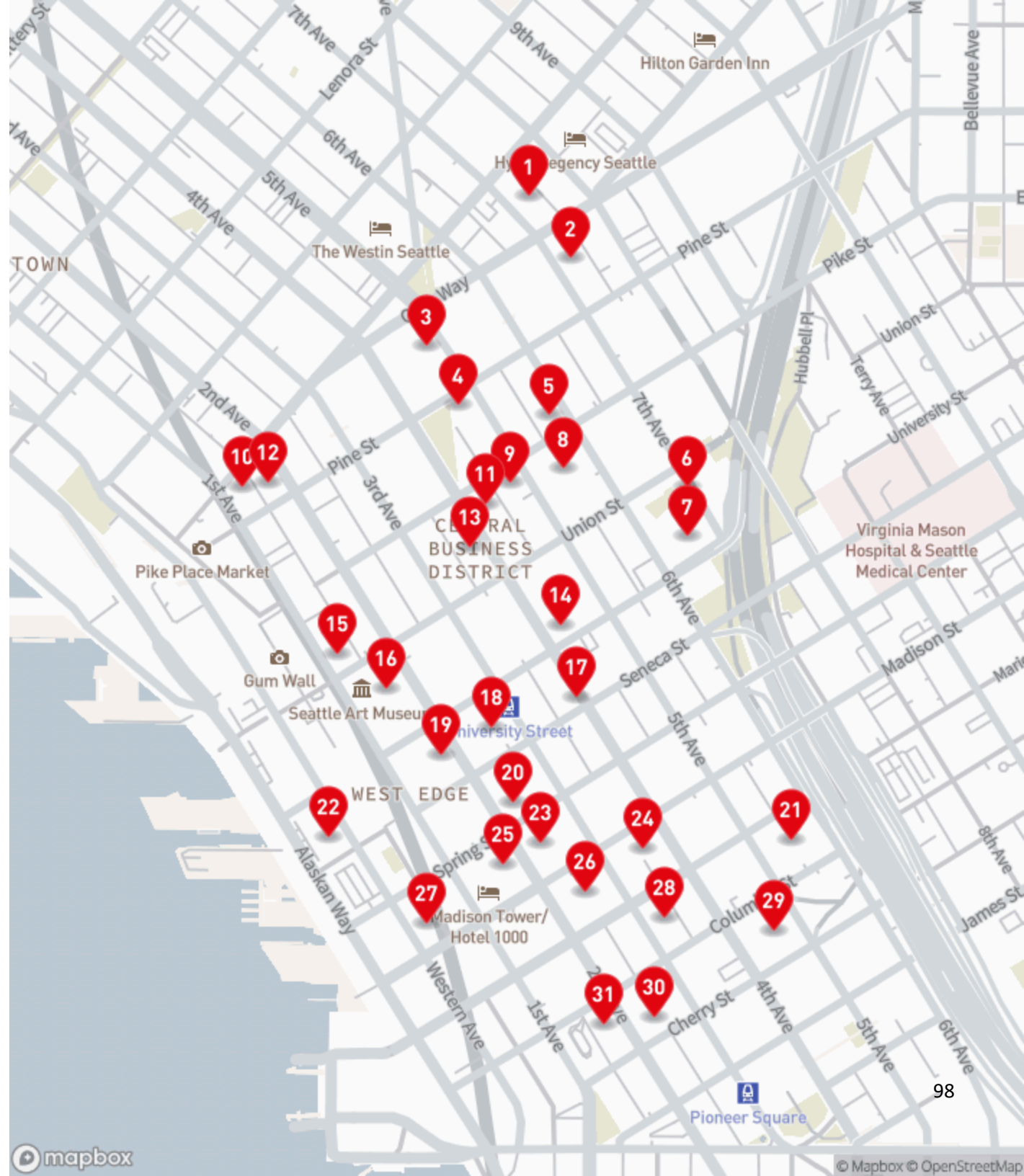
+1 206 790 3368

Clay.Nielsen@jll.com

Jones Lang LaSalle Brokerage, Inc.

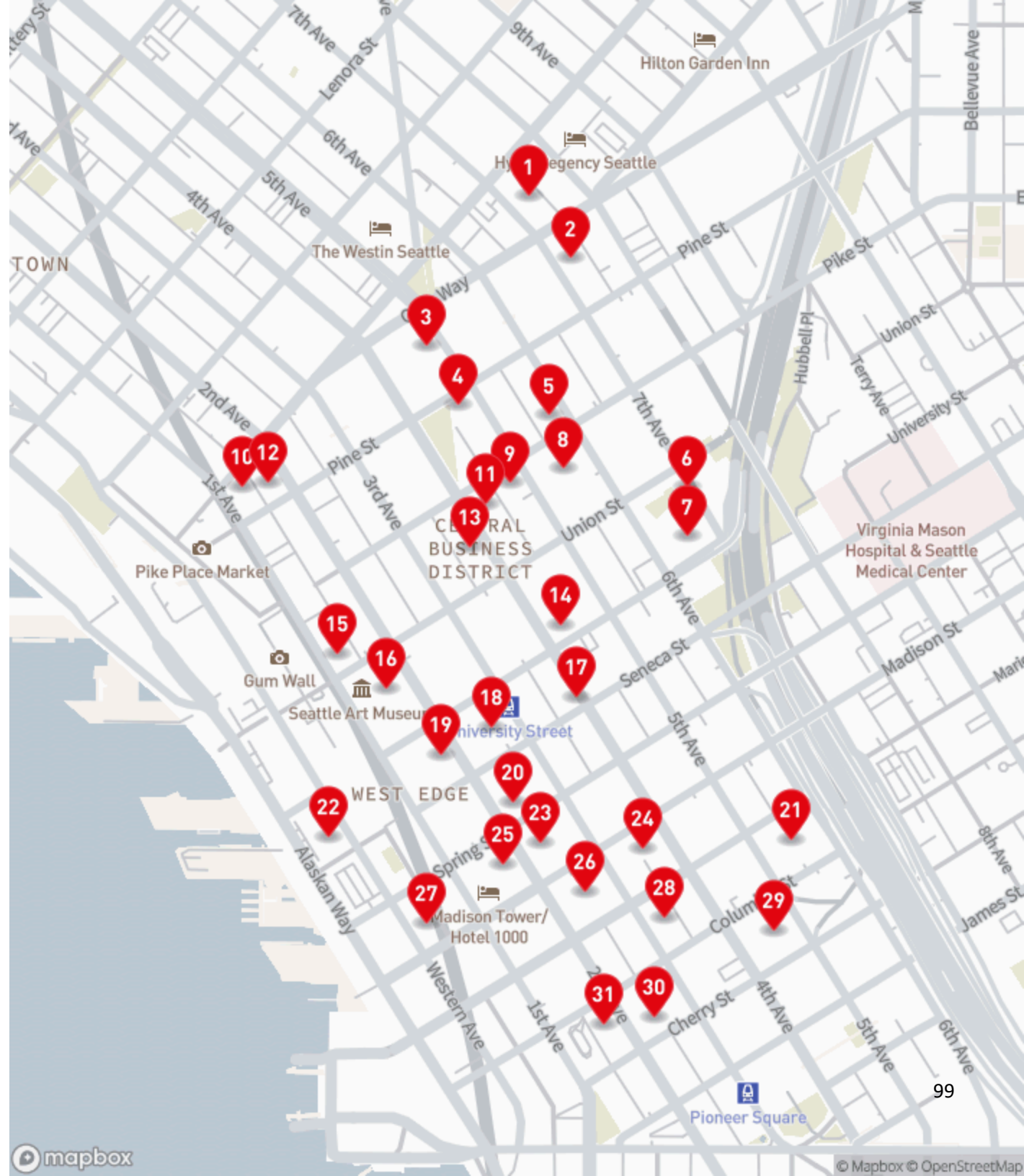
LOCATION OVERVIEW

- 1 1700 Seventh Avenue
- 2 1600 Seventh
- 3 Westlake Tower
- 4 5th & Pine
- 5 520 Pike Tower
- 6 Two Union Square
- 7 One Union Square
- 8 U.S. Bank Center
- 9 WaFd Bank
- 10 101 Stewart
- 11 4Pike
- 12 2Pine
- 13 Miken Building
- 14 400 University at Rainier Square
- 15 Harold Poll Building
- 16 Russell Investments Center
- 17 Financial Center
- 18 1201 Third
- 19 Qualtrics Tower at 2+U
- 20 Second & Spring



LOCATION OVERVIEW

- 21 800 5th Avenue
- 22 1201 Western Building
- 23 1000 Second Avenue
- 24 The Tower at Fourth & Madison
- 25 Federal Reserve Building
- 26 999 Third
- 27 National Building
- 28 Central Building
- 29 Columbia Center
- 30 Dexter Horton Building
- 31 Millennium Tower



PROPERTY MATRIX



1700 Seventh Avenue
Seattle, WA

1600 Seventh
Seattle, WA

Westlake Tower
1601 5th Avenue, Seattle, WA

5th & Pine
413 Pine Street, Seattle, WA

SUBMARKET	Seattle CBD	Seattle CBD	Seattle CBD	Seattle CBD																														
CLASS	A	A	A	B																														
OWNER	Clise Properties	Clarion Partners	Unico Properties	Invesco Advisers																														
BUILT	2001	1976	1988	1973																														
BUILDING SIZE	585,731 sqft	643,538 sqft	365,674 sqft	162,357 sqft																														
AVAILABLE SIZE	<table border="1"> <tr><td>P 10th</td><td>8,738 sqft</td></tr> <tr><td>P 11th</td><td>22,000 sqft</td></tr> <tr><td>P 12th</td><td>22,000 sqft</td></tr> <tr><td>P 13th</td><td>22,000 sqft</td></tr> <tr><td>P 14th</td><td>22,000 sqft</td></tr> <tr><td>P 15th</td><td>22,000 sqft</td></tr> <tr><td>P 16th</td><td>22,000 sqft</td></tr> <tr><td>P 17th</td><td>22,000 sqft</td></tr> </table>	P 10th	8,738 sqft	P 11th	22,000 sqft	P 12th	22,000 sqft	P 13th	22,000 sqft	P 14th	22,000 sqft	P 15th	22,000 sqft	P 16th	22,000 sqft	P 17th	22,000 sqft	<table border="1"> <tr><td>S 1300</td><td>21,032 sqft</td></tr> <tr><td>S 1400</td><td>21,032 sqft</td></tr> <tr><td>S 1500</td><td>21,032 sqft</td></tr> </table>	S 1300	21,032 sqft	S 1400	21,032 sqft	S 1500	21,032 sqft	<table border="1"> <tr><td>S 1100</td><td>17,587 sqft</td></tr> <tr><td>S 1200</td><td>17,587 sqft</td></tr> </table>	S 1100	17,587 sqft	S 1200	17,587 sqft	<table border="1"> <tr><td>S 400</td><td>28,837 sqft</td></tr> <tr><td>S 500</td><td>29,161 sqft</td></tr> </table>	S 400	28,837 sqft	S 500	29,161 sqft
P 10th	8,738 sqft																																	
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S 1100	17,587 sqft																																	
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S 400	28,837 sqft																																	
S 500	29,161 sqft																																	
RENT	\$53.00/FS	\$40.00-\$43.00 NNN <u>\$15.00 Op.Ex.</u> \$55.00-\$58.00/FS	\$28.00 NNN <u>\$17.00 Op.Ex.</u> \$45.00/FS	\$37.00 NNN <u>\$16.00 Op.Ex.</u> \$53.00/FS																														
AVAILABLE	Now	Now	Now	Now																														

PROPERTY MATRIX



520 Pike Tower
Seattle, WA



Two Union Square
601 Union Street, Seattle, WA



One Union Square
600 University Street, Seattle, WA



U.S. Bank Center
1420 5th Avenue, Seattle, WA

SUBMARKET	Seattle CBD	Seattle CBD	Seattle CBD	Seattle CBD																		
CLASS	B	A	A	A																		
OWNER	Tishman Speyer	Washington Holdings	Washington Holdings	EQ Office																		
BUILT	1983	1989	1981	1989																		
BUILDING SIZE	423,010 sqft	1,165,441 sqft	672,479 sqft	943,575 sqft																		
AVAILABLE SIZE	<table border="1"> <tr><td>S 1900</td><td>18,183 sqft</td></tr> <tr><td>S 2000</td><td>18,218 sqft</td></tr> </table>	S 1900	18,183 sqft	S 2000	18,218 sqft	<table border="1"> <tr><td>S 4800</td><td>22,566 sqft</td></tr> <tr><td>S 4930</td><td>8,919 sqft</td></tr> </table>	S 4800	22,566 sqft	S 4930	8,919 sqft	<table border="1"> <tr><td>S 1312</td><td>9,374 sqft</td></tr> <tr><td>S 1400</td><td>18,936 sqft</td></tr> </table>	S 1312	9,374 sqft	S 1400	18,936 sqft	<table border="1"> <tr><td>S 1600</td><td>17,077 sqft</td></tr> <tr><td>S 1700</td><td>22,733 sqft</td></tr> <tr><td>S 1800</td><td>22,737 sqft</td></tr> </table>	S 1600	17,077 sqft	S 1700	22,733 sqft	S 1800	22,737 sqft
S 1900	18,183 sqft																					
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S 1700	22,733 sqft																					
S 1800	22,737 sqft																					
RENT	\$45.00-\$47.00/FS	\$64.50/FS	\$53.00/FS	\$48.00 NNN <u>\$18.09 Op.Ex.</u> \$66.09/FS																		
AVAILABLE	Now	Now	Now	Now																		

PROPERTY MATRIX



WaFd Bank

425 Pike Street, Seattle, WA

101 Stewart

Seattle, WA

4Pike

Seattle, WA

2Pine

Seattle, WA

SUBMARKET

Seattle CBD

Seattle CBD

Seattle CBD

Seattle CBD

CLASS

B

B

B

B

OWNER

WaFd Bank

DWS Group

LBA Realty

LBA Realty

BUILT

1984

1986

1926

1908

BUILDING SIZE

83,130 sqft

94,333 sqft

132,326 sqft

114,966 sqft

AVAILABLE SIZE

S 400 | 12,320 sqft
S 500 | 12,320 sqft
S 600 | 12,320 sqft

S 400 | 8,447 sqft
S 500 | 8,447 sqft
S 600 | 8,477 sqft
S 700 | 8,146 sqft

S 600 | 10,743 sqft
S 700 | 10,743 sqft
S 800 | 10,725 sqft
S 900 | 10,731 sqft
S 1000 | 10,731 sqft

P 2nd | 8,778 sqft
E 3rd | 11,612 sqft
E 4th | 11,795 sqft
S 500 | 11,790 sqft
E 6th | 11,790 sqft
E 7th | 11,789 sqft
E 8th | 11,790 sqft
E 9th | 11,788 sqft
E 10th | 11,790 sqft

RENT

\$45.00/FS

\$32.00-\$34.00 NNN
\$16.00 Op.Ex.
\$48.00-\$50.00/FS

\$35.00 - \$38.00/FS

\$30.00-\$33.00 NNN
\$17.00 Op.Ex.
\$47.00-\$50.00/FS

AVAILABLE

Now

Now

Now

Now

PROPERTY MATRIX



13

Miken Building

1417 4th Avenue, Seattle, WA



14

400 University at Rainier Square

Seattle, WA



15

Harold Poll Building

1404 1st Avenue, Seattle, WA



16

Russell Investments Center

1301 2nd Avenue, Seattle, WA

	Miken Building	400 University at Rainier Square	Harold Poll Building	Russell Investments Center																																
SUBMARKET	Seattle CBD	Seattle CBD	Seattle CBD	Seattle CBD																																
CLASS	B	A	B	A																																
OWNER	Brickman	Intercontinental Real Estate Corporation	Martin Smith	CommonWealth Partners																																
BUILT	1908	2021	1910	2006																																
BUILDING SIZE	60,660 sqft	122,678 sqft	60,343 sqft	1,200,000 sqft																																
AVAILABLE SIZE	<table border="1"> <tr><td>S 400</td><td>6,809 sqft</td></tr> <tr><td>S 500</td><td>6,786 sqft</td></tr> <tr><td>S 600</td><td>6,745 sqft</td></tr> <tr><td>S 700</td><td>6,760 sqft</td></tr> <tr><td>S 800</td><td>6,780 sqft</td></tr> </table>	S 400	6,809 sqft	S 500	6,786 sqft	S 600	6,745 sqft	S 700	6,760 sqft	S 800	6,780 sqft	<table border="1"> <tr><td>S 100</td><td>12,038 sqft</td></tr> <tr><td>S 200</td><td>11,840 sqft</td></tr> <tr><td>S 600</td><td>10,973 sqft</td></tr> <tr><td>S 700</td><td>10,973 sqft</td></tr> <tr><td>S 800</td><td>10,973 sqft</td></tr> <tr><td>S 900</td><td>10,973 sqft</td></tr> <tr><td>S 1000</td><td>10,973 sqft</td></tr> </table>	S 100	12,038 sqft	S 200	11,840 sqft	S 600	10,973 sqft	S 700	10,973 sqft	S 800	10,973 sqft	S 900	10,973 sqft	S 1000	10,973 sqft	<table border="1"> <tr><td>S 400</td><td>13,350 sqft</td></tr> <tr><td>S 500</td><td>13,350 sqft</td></tr> </table>	S 400	13,350 sqft	S 500	13,350 sqft	<table border="1"> <tr><td>S 2625</td><td>7,153 sqft</td></tr> <tr><td>S 2700</td><td>22,289 sqft</td></tr> </table>	S 2625	7,153 sqft	S 2700	22,289 sqft
S 400	6,809 sqft																																			
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RENT	\$28.00-\$32.00/FS	\$43.00 NNN \$16.09 Op.Ex. \$55.09/FS	\$45.00/FS	\$46.00 NNN \$20.00 Op.Ex. \$66.00/FS																																
AVAILABLE	Now	Now	30 days notice	Now																																

PROPERTY MATRIX



Financial Center

1215 4th Avenue, Seattle, WA



1201 Third

Seattle, WA



Qualtrics Tower at 2+U

1201 2nd Avenue, Seattle, WA



Second & Spring

1100 2nd Avenue, Seattle, WA

SUBMARKET	Seattle CBD	Seattle CBD	Seattle CBD	Seattle CBD																												
CLASS	B	A	A	B																												
OWNER	University of Washington	MetLife	Hana Alternative Asset Management	Unico Properties																												
BUILT	1972	1988	2019	1906																												
BUILDING SIZE	361,760 sqft	1,140,611 sqft	687,380 sqft	139,226 sqft																												
AVAILABLE SIZE	<table border="1"> <tr><td>S 700</td><td>14,874 sqft</td></tr> <tr><td>S 800</td><td>14,870 sqft</td></tr> <tr><td>S 2500</td><td>14,967 sqft</td></tr> <tr><td>S 2600</td><td>14,967 sqft</td></tr> <tr><td>S 2700</td><td>14,967 sqft</td></tr> </table>	S 700	14,874 sqft	S 800	14,870 sqft	S 2500	14,967 sqft	S 2600	14,967 sqft	S 2700	14,967 sqft	<table border="1"> <tr><td>S 1400</td><td>22,708 sqft</td></tr> <tr><td>S 1500</td><td>14,157 sqft</td></tr> <tr><td>S 1580</td><td>5,390 sqft</td></tr> <tr><td>S 3100</td><td>23,223 sqft</td></tr> <tr><td>S 3200</td><td>22,817 sqft</td></tr> </table>	S 1400	22,708 sqft	S 1500	14,157 sqft	S 1580	5,390 sqft	S 3100	23,223 sqft	S 3200	22,817 sqft	<table border="1"> <tr><td>P 7th</td><td>29,902 sqft</td></tr> <tr><td>P 8th</td><td>31,045 sqft</td></tr> </table>	P 7th	29,902 sqft	P 8th	31,045 sqft	<table border="1"> <tr><td>S 400</td><td>27,479 sqft</td></tr> <tr><td>S 500</td><td>27,723 sqft</td></tr> </table>	S 400	27,479 sqft	S 500	27,723 sqft
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S 400	27,479 sqft																															
S 500	27,723 sqft																															
RENT	Floors 7/8: \$35.00/FS Floors 25-27: \$45.00/FS	Floors 14 & 15:\$44.00/FS Floors 31 & 32:\$55.00/FS	\$30.00 NNN \$20.00 Op.Ex. \$50.00/FS	\$35.00 NNN \$16.50 Op.Ex. \$51.50/FS																												
AVAILABLE	Now	Now	Now	Now																												

PROPERTY MATRIX



800 5th Avenue

Seattle, WA

1201 Western Building

Seattle, WA

1000 Second Avenue

Seattle, WA

The Tower at Fourth & Madison

925 Fourth Avenue, Seattle, WA

	800 5th Avenue	1201 Western Building	1000 Second Avenue	The Tower at Fourth & Madison																																																
SUBMARKET	Seattle CBD	Pioneer Square/Waterfront	Seattle CBD	Seattle CBD																																																
CLASS	A	B	B	A																																																
OWNER	EQ Office	Martin Smith	Martin Selig Real Estate	Nuveen																																																
BUILT	1981	1910	1986	2002																																																
BUILDING SIZE	1,009,447 sqft	104,478 sqft	589,921 sqft	845,533 sqft																																																
AVAILABLE SIZE	<table border="1"> <tr><td>S 600</td><td>21,538 sqft</td></tr> <tr><td>S 700</td><td>21,553 sqft</td></tr> <tr><td>S 800</td><td>21,553 sqft</td></tr> <tr><td>S 900</td><td>21,553 sqft</td></tr> <tr><td>S 1000</td><td>21,492 sqft</td></tr> <tr><td>S 1100</td><td>21,350 sqft</td></tr> <tr><td>S 1200</td><td>21,797 sqft</td></tr> <tr><td>S 1300</td><td>21,797 sqft</td></tr> <tr><td>S 3300</td><td>22,854 sqft</td></tr> <tr><td>S 3400</td><td>22,845 sqft</td></tr> <tr><td>S 3500</td><td>22,845 sqft</td></tr> <tr><td>S 3600</td><td>22,845 sqft</td></tr> <tr><td>S 4100</td><td>22,809 sqft</td></tr> <tr><td>S 4200</td><td>22,809 sqft</td></tr> </table>	S 600	21,538 sqft	S 700	21,553 sqft	S 800	21,553 sqft	S 900	21,553 sqft	S 1000	21,492 sqft	S 1100	21,350 sqft	S 1200	21,797 sqft	S 1300	21,797 sqft	S 3300	22,854 sqft	S 3400	22,845 sqft	S 3500	22,845 sqft	S 3600	22,845 sqft	S 4100	22,809 sqft	S 4200	22,809 sqft	<table border="1"> <tr><td>S 500</td><td>15,778 sqft</td></tr> <tr><td>S 600</td><td>15,790 sqft</td></tr> </table>	S 500	15,778 sqft	S 600	15,790 sqft	<table border="1"> <tr><td>P 9th</td><td>17,879 sqft</td></tr> <tr><td>P 10th</td><td>17,518 sqft</td></tr> <tr><td>P 11th</td><td>16,275 sqft</td></tr> </table>	P 9th	17,879 sqft	P 10th	17,518 sqft	P 11th	16,275 sqft	<table border="1"> <tr><td>S Floor 33</td><td>25,050 sqft</td></tr> <tr><td>S Floor 34</td><td>25,012 sqft</td></tr> <tr><td>S Floor 35</td><td>2,650 sqft</td></tr> <tr><td>S 3510</td><td>13,635 sqft</td></tr> <tr><td>S 3550</td><td>8,727 sqft</td></tr> </table>	S Floor 33	25,050 sqft	S Floor 34	25,012 sqft	S Floor 35	2,650 sqft	S 3510	13,635 sqft	S 3550	8,727 sqft
S 600	21,538 sqft																																																			
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RENT	\$56.00 - \$65.00/FS	\$45.00/FS	\$42.00-\$46.00/FS	\$44.00-\$49.00 NNN \$18.75 Op.Ex. \$56.75-\$58.75/FS																																																
AVAILABLE	Now	Now	Now	Now																																																

PROPERTY MATRIX



Federal Reserve Building
1015 2nd Avenue, Seattle, WA



999 Third
Seattle, WA



National Building
1000 Western Avenue, Seattle, WA



Central Building
810 3rd Avenue, Seattle, WA

SUBMARKET	Seattle CBD	Seattle CBD	Pioneer Square/Waterfront	Seattle CBD																																
CLASS	A	A	B	B																																
OWNER	Martin Selig Real Estate	Blackstone	King Western, Inc	BentallGreenOak																																
BUILT	1950	1983	1905	1907																																
BUILDING SIZE	242,774 sqft	989,968 sqft	128,763 sqft	192,176 sqft																																
AVAILABLE SIZE	<table border="1"> <tr><td>P 1st</td><td>15,801 sqft</td></tr> <tr><td>P 2nd</td><td>18,248 sqft</td></tr> <tr><td>P 3rd</td><td>18,259 sqft</td></tr> <tr><td>P 4th</td><td>18,267 sqft</td></tr> </table>	P 1st	15,801 sqft	P 2nd	18,248 sqft	P 3rd	18,259 sqft	P 4th	18,267 sqft	<table border="1"> <tr><td>S 800</td><td>22,087 sqft</td></tr> <tr><td>S 900</td><td>22,088 sqft</td></tr> <tr><td>S 3000</td><td>15,811 sqft</td></tr> <tr><td>S 3100</td><td>22,912 sqft</td></tr> <tr><td>S 3200</td><td>22,912 sqft</td></tr> <tr><td>S 3500</td><td>22,818 sqft</td></tr> <tr><td>S 3600</td><td>22,716 sqft</td></tr> <tr><td>S 3700</td><td>10,125 sqft</td></tr> <tr><td>S 3760</td><td>3,974 sqft</td></tr> </table>	S 800	22,087 sqft	S 900	22,088 sqft	S 3000	15,811 sqft	S 3100	22,912 sqft	S 3200	22,912 sqft	S 3500	22,818 sqft	S 3600	22,716 sqft	S 3700	10,125 sqft	S 3760	3,974 sqft	<table border="1"> <tr><td>S 500</td><td>22,550 sqft</td></tr> <tr><td>S 600</td><td>22,568 sqft</td></tr> </table>	S 500	22,550 sqft	S 600	22,568 sqft	<table border="1"> <tr><td>S 500</td><td>20,280 sqft</td></tr> </table>	S 500	20,280 sqft
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RENT	\$44.00-\$49.00 NNN \$15.00 Op.Ex. \$59.00-\$64.00/FS	Floors 8&9: \$45.00/FS Floors 30-36: \$55.00/FS	\$41.00/FS	\$31.00/FS																																
AVAILABLE	Now	Now	Now	Now																																

PROPERTY MATRIX



Columbia Center

701 5th Avenue, Seattle, WA



Dexter Horton Building

710 2nd Avenue, Seattle, WA



Millennium Tower

719 2nd Avenue, Seattle, WA

SUBMARKET	Seattle CBD	Seattle CBD	Seattle CBD																																				
CLASS	A	B	A																																				
OWNER	GAW Capital Advisors	CIM Group	Nuveen																																				
BUILT	1985	1924	2001																																				
BUILDING SIZE	1,548,769 sqft	335,972 sqft	317,782 sqft																																				
AVAILABLE SIZE	<table border="1"> <tr><td>S 900</td><td>23,534 sqft</td></tr> <tr><td>S 1000</td><td>23,547 sqft</td></tr> <tr><td>S 3100</td><td>24,200 sqft</td></tr> <tr><td>S 3200</td><td>24,569 sqft</td></tr> <tr><td>S 4350</td><td>9,450 sqft</td></tr> <tr><td>S 4400</td><td>21,209 sqft</td></tr> <tr><td>S 4500</td><td>14,690 sqft</td></tr> <tr><td>S 4600</td><td>9,866 sqft</td></tr> <tr><td>S 4750</td><td>17,250 sqft</td></tr> <tr><td>S 4700</td><td>3,872 sqft</td></tr> </table>	S 900	23,534 sqft	S 1000	23,547 sqft	S 3100	24,200 sqft	S 3200	24,569 sqft	S 4350	9,450 sqft	S 4400	21,209 sqft	S 4500	14,690 sqft	S 4600	9,866 sqft	S 4750	17,250 sqft	S 4700	3,872 sqft	<table border="1"> <tr><td>S 300</td><td>7,221 sqft</td></tr> <tr><td>S 410</td><td>19,993 sqft</td></tr> <tr><td>S 1210</td><td>4,799 sqft</td></tr> <tr><td>S 1200</td><td>6,943 sqft</td></tr> <tr><td>S 1250</td><td>5,516 sqft</td></tr> <tr><td>S 1300</td><td>22,418 sqft</td></tr> </table>	S 300	7,221 sqft	S 410	19,993 sqft	S 1210	4,799 sqft	S 1200	6,943 sqft	S 1250	5,516 sqft	S 1300	22,418 sqft	<table border="1"> <tr><td>S 1300</td><td>14,692 sqft</td></tr> <tr><td>S 1400</td><td>11,359 sqft</td></tr> </table>	S 1300	14,692 sqft	S 1400	11,359 sqft
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RENT	\$48.00/FS	\$32.00/FS	\$40.00 NNN \$17.00 Op.Ex. \$57.00/FS																																				
AVAILABLE	Now	Now	Now																																				



THANK YOU

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Budget and Audit Committee

Re: FY 2024 Budgets – Final Draft

Date: August 18, 2023

ACTION: Approve FY 2024 Budget.

Attached for your approval is the Final Draft FY24 WSBA Budget, which was unanimously approved by the Budget and Audit Committee at their August 18, 2023, meeting. This memorandum provides an overview comparison of the Second and Final Draft General Fund, CLE, Client Protection Fund, and Sections Budgets and details changes between the Second and Final Drafts.

BUDGET COMPARISON: SECOND DRAFT vs FINAL

ALL FUNDS BUDGET	SECOND DRAFT	FINAL	Difference
REVENUE	\$25,419,274	\$25,511,231	+\$91,956
EXPENSE	\$26,606,122	\$26,803,468	+\$197,346
NET INCOME/(LOSS)	(\$1,186,848)	(\$1,292,238)	+\$105,390

The final draft of the FY24 WSBA budget includes all four funds: (1) General Fund, (2) CLE Fund, (3) Client Protection Fund, and (4) Sections Funds. Each has its own designated reserves which are either added to or reduced each year depending on the financial operating results of the designated cost centers.

(1) GENERAL FUND

The Final Draft assumes revenue of \$22,484,537 (no change from the Second Draft), expenses of \$23,512,812 (increase from the Second Draft), and a projected net loss of (\$1,028,275) (a \$42,570 increase from the Second Draft). Changes are a result of updates to WSBA's employee benefits costs and other indirect and direct expenses which are detailed below. (See attachment A for General Fund detailed cost center budgets.)

General Fund Budget	SECOND DRAFT	FINAL	Difference
▪ Revenue	\$22,484,537	\$22,484,537	\$0
▪ Expenses	\$23,470,242	\$23,512,812	+\$42,570
▪ Net Income/(Loss)	(\$985,705)	(\$1,028,275)	+\$42,570

(2) CLE FUND

The CLE Fund Budget consists of three cost centers: (1) CLE Products; (2) CLE Seminars; and (3) Deskbooks. There were no substantive changes between the Second Draft and Final, however indirect costs have changed resulting from changes to the overall indirect budget detailed below. (See attachment B for CLE Fund detailed cost center budgets.)

CLE Fund Budget	SECOND DRAFT	FINAL	Difference
▪ Revenue	\$1,741,800	\$1,741,800	\$0
▪ Expenses	\$1,592,400	\$1,584,459	(\$7,941)
▪ Net Income/(Loss)	\$149,400	\$157,341	+\$7,941

(3) CLIENT PROTECTION FUND (CPF)

The Client Protection Fund (CPF) budget had no substantive changes between the Second Draft and Final, however indirect costs have changed resulting from changes to the overall indirect budget detailed below. (See attachment C for Client Protection Fund detailed cost center budgets.)

Client Protection Fund Budget	SECOND DRAFT	FINAL	Difference
▪ Revenue	\$595,930	\$595,930	\$0
▪ Expenses	\$689,498	\$688,630	(\$868)
▪ Net Income/(Loss)	(\$93,568)	(\$92,700)	(\$868)

(4) SECTIONS FUND

The FY24 Section budgets reflect minimal changes from the First Draft for approximately half of all sections and the addition of one section to the Final Draft. (See attachment D for Section Funds detailed cost center budgets.)

Sections Funds Budget	FIRST DRAFT	FINAL	Difference
▪ Revenue	\$597,007	\$688,963	+\$91,956
▪ Expenses	\$853,982	\$1,017,566	+\$163,584
▪ Net Income/(Loss)	(\$256,975)	(\$328,603)	+\$71,628

CAPITAL BUDGET

There are no changes in the Capital Budget between the Second Draft and Final. The FY24 Capital Budget includes the cost of purchasing, refreshing and/or replacing outdated hardware and software as needed. Capital labor costs involve in-house development, customization, and/or upgrades to systems and projects. Anticipated FY24 projects include the development and implementation of three systems: (1) replacement of the Discipline records system (GILDA), (2) MCLE System enhancements, and (3) a new Law Clerk database system. The Capital Budget also includes the cost of purchasing, refreshing and/or replacing infrastructure hardware and leasehold improvements. (See attachment E for capital budget details.)

KEY AREAS OF CHANGE

Provided below is a list of the key areas of change between the first and second drafts of the FY24 budgets, followed by relevant narrative information.

Revenue Changes from Second Draft FY24 Budget	Budget Impact
SECTIONS FUND:	
▪ Membership Dues: Includes the addition of revenue for a section not previously presented and minimal changes from remaining sections.	+\$52,751
▪ Seminar Profit Share: Includes the addition of revenue for a section not previously presented.	+\$35,550

▪ Interest Income: Includes the addition of revenue for a section not previously presented.	+ \$2,235
▪ Other Revenue:	+1,420
Total Increase in Revenue from Second Draft	+ \$91,956

Indirect Expense Changes from Second Draft FY24 Budget	Budget Impact
SALARIES:	(\$3,393)
▪ Salaries: Reflects updates to employee promotions and new hires implemented June-August 2023.	(\$3,393)
BENEFITS:	+\$20,330
▪ Retirement: increase tied to adjustment of rate from 9.39% to 9.58% effective September 1, 2023	+\$18,671
▪ FICA, WA FMLA, Medical, Unemployment Insurance: Adjustment tied to change in salaries for promotions and newly hired employees	+\$1,659
OTHER INDIRECTS:	(\$88,977)
▪ Computer Pooled Expenses: adjustments based on actual figures YTD for a variety of items in the Technology budget	(\$89,750)
▪ Insurance: reduced based on completion of renewal which reflects similar premium to FY23	(\$22,357)
▪ Computer Software Depreciation: increased from reallocation of depreciation expense from DISC cost center for contract management system	+\$15,218
▪ Human Resources Pooled Expenses: adjustments to reallocate staff training & conference funds from individual cost centers to a pooled resource in HR	+\$7,912
Total Decrease in Indirect Expense from Second Draft FY24 Budget	(\$72,040)

Direct Expense Changes from Second Draft FY24 Budget	Budget Impact
GENERAL FUND: (*see narrative for further details)	+\$106,841
▪ Software Licensing (ADMISS, CLERK, LICMR, LPO): Reallocated from TECH cost center for annual software subscription costs	+\$60,500
▪ Consulting Services (DIV)*: Consultant cost for organizational equity assessment project to be completed in FY24 (carryover from FY23)	+\$21,550
▪ Donations/Sponsorships/Grants (PSP)*: Increase to original request for Moderate Means Program funding	+\$17,312
▪ Surveys (DIV)*: Consultant costs for membership survey project to be completed in FY24 (carryover from FY23)	+\$11,500
▪ Diversity Events & Projects (DIV)*: Additional consultant costs for DEI plan project to begin in FY24 (carryover from FY23)	+\$10,000
▪ BOG Meetings (OED): Updated cost for venues and transportation	+\$5,000
▪ On24 Overage Charge, Disability Accommodations, Insurance Rebate (LLB): Updated costs based on FY23 spending and increase to provide additional accommodation services beyond closed captioning	+\$4,833
▪ Equipment (ADMISS, LPO): Funds for new scantron machine and scanner	+\$2,000
▪ Staff Travel/Parking (PRP): Updated costs based on FY23 actuals	+\$750
▪ Telephone (LEG): Updated costs based on FY23 actuals	+\$485
▪ Surveys (ATJ): Subscription no longer needed	(\$100)
▪ Staff Training & Conferences (Various Cost Centers): Reallocation of funds between individual cost centers and to HR pool for org-wide use	(\$4,472)

▪ Leadership Training & ED Travel/Outreach (OED): Adjustments for updated estimates for FY24 activities	(\$6,000)
▪ Depreciation (DISC): Reallocated to indirect expense for contract management system which supports WSBA org-wide	(\$16,517)
CLE FUND:	
▪ Staff Conferences & Training: reallocated to HR pool for org-wide use	(\$1,040)
SECTIONS FUND:	+\$163,584
▪ Direct Expenses of Section Activities	+\$125,896
▪ Reimbursement to WSBA for Indirect Expenses (Section Per-Member Charge)	+\$37,688
Total Increase in Direct Expense from Second Draft FY24	\$269,385

- 1) **Donations, Sponsorships, Grants: Moderate Means Program (PSP) +\$17,312:** The Moderate Means Program is housed at each of the three law schools in Washington and is supported through grants from the WSBA. The Second Draft of the budget included \$14,169 in additional cost to support increased cost of labor and benefits at each law school. The Final Draft of the budget includes an additional \$17,312 (a total of \$31,481) which supports an increase in hourly rate (to meet minimum wage) and increase in hours for student workers to support the increased number of calls received related to housing issues (evictions, navigating new laws, etc.) which have gone up exponentially.
- 2) **Consulting Services (DIV) +\$21,550:** This request is a carryover of FY23 unspent funds that were earmarked for an organizational equity assessment which will be completed in FY23. Remaining funds will be used in FY24 to support WSBA staff diversity training.
- 3) **Surveys (DIV) +\$11,500:** This request is a carryover of unspent funds for FY23 for a membership survey. Originally, we had anticipated that this project would be completed in FY23 but has since been extended to FY24. Work began on this project in FY22 and has continued in FY23. Total contract amount is \$50,000, and we expect a total of \$38,500 to be spend by the end of FY23 to work with focus groups and complete the survey. The remainder of the contract (\$11,500) is to be spent in FY24 for the development of the final report and project completion.
- 4) **Diversity, Events, & Projects (DIV) +\$10,000:** This request is a carryover of unspent funds for FY23 to support work on a DEI plan. Originally, we had anticipated that this project would begin work in the second half of August 2023 and would incur expenses for August and September. To-date we have just completed the consultant interviews and are in the process of making a final selection. We expect that the decision (and subsequent contracting process completion) will take the remainder of this fiscal year and therefore are moving the originally budgeted funds for FY23 into FY24.

FY24-FY26 GENERAL FUND FISCAL PROJECTIONS

Fiscal projections through FY26 have been updated using the Final Draft FY24 budget figures and reflect the assumptions provided below. Currently, the General Fund includes two Board designated reserves with balances totaling \$4.7 million: (1) Operating Reserve of \$2.0 million and (2) Facilities Reserve of \$2.7 million. All remaining general fund balances are undesignated and therefore considered “unrestricted.” Budgeting a net loss reflects a purposeful use of the WSBA’s reserves. The chart below demonstrates the impact on WSBA’s unrestricted reserves based on the projected annual use of reserves if actual financial results match the budget/projection. The table also includes estimates assuming that we will outperform the budget by \$600,000, a figure that is based on WSBA’s historic actual performance.

GENERAL FUND PROJECTIONS FY2023 - FY2026				
LICENSE FEES @ \$458				
	FY23 PROJECTIONS	FY24 BUDGET FINAL DRAFT	FY25 PROJECTIONS	FY26 PROJECTIONS
BEGINNING CYCLE FUND BALANCE	8,713,268	9,513,301	8,485,026	6,213,848
REVENUE	22,502,197	22,484,537	22,485,356	22,756,306
<i>Licensing Revenue</i>	16,902,689	17,320,499	17,437,317	17,618,537
<i>Other Revenue</i>	5,599,508	5,164,038	5,048,039	5,137,769
EXPENSES	21,702,164	23,512,812	24,756,534	25,775,893
<i>Direct</i>	2,435,164	2,860,254	2,974,664	3,093,651
<i>Indirect</i>	19,267,000	20,652,558	21,781,870	22,682,242
NET INCOME/(LOSS) AND ANTICIPATED USE OF RESERVES	800,033	-1,028,275	-2,271,178	-3,019,587
RESERVE BALANCE OFFSET	0	1,028,275	2,271,178	3,019,587
NET OPERATING RESULT	800,033	0	0	0
FY24-FY26 General Fund Balance	9,513,301	8,485,026	6,213,848	3,194,261
Operating & Facilities Restricted Reserves	4,700,000	4,700,000	4,700,000	4,700,000
Remaining Unrestricted Reserves	4,813,301	3,785,026	1,513,848	-1,505,739
Remaining Unrestricted Reserves w/\$600K offset	4,813,301	4,385,026	2,713,848	294,261

Assumptions

Revenue:

- No change to the license fee rate of \$458 through 2026.
- Average increase in License Fees revenue of 1% annually to account for net increase in membership. Previous projections assumed a 2% increase, however data from the 2023 attorney licensing renewals reflect a pattern of decline in the net number of attorneys licensed and projections have been adjusted accordingly.
- All other revenue sources average a 1% increase in revenue annually, reduced from 2% in prior projections. We expect many of our revenue sources to remain relatively static based on current trends, with small increases of 1-2% in select areas.

Expense:

- Salaries: the FY25 projections include a 2% increase to the midpoint of the compensation grid (a market-based adjustment for all positions) and no change to the grid in FY26. The annual increased costs support movement through the compensation grid for all positions, offset by savings due to attrition.
- No additional FTE
- Corresponding increase in taxes and benefits tied to projected salary increases.
- Average increase in medical costs of 4% each year.
- Average increase in all other benefits of 3% each year.
- Rent: assume that the WSBA will remain in the current Puget Sound Plaza lease through December 2026 (no early reduction in space size or subleasing).¹
- Average increase in direct expenses of 4% each year.

¹ FY24 Budget and FY25-FY26 projections assuming a successful renegotiation of WSBA’s lease were provided a separate memo in the Board of Governors August 11-12, 2023 confidential meeting materials.

ATTACHMENTS

A	FINAL FY24 General Fund Budget
B	FINAL FY24 CLE Budget
C	FINAL FY24 CPF Budget
D	FINAL FY24 Sections Budgets
E	FINAL FY24 Capital Budget

ATTACHMENT A

**Washington State Bar Association Financial Summary
Fiscal Year 2024 Budget Final Draft**

Category	FY24 Budgeted Revenues	FY24 Budgeted Expenses	FY24 Budget Net Result
Access to Justice	-	336,864	(336,864)
Admissions/Bar Exam	1,300,740	1,361,425	(60,685)
Advancement FTE	-	368,381	(368,381)
Bar News	610,100	708,164	(98,064)
Board of Governors	-	566,110	(566,110)
Character & Fitness Board	-	172,249	(172,249)
Communications Strategies	500	825,468	(824,968)
Communications Strategies FTE	-	249,385	(249,385)
Discipline	119,000	6,314,089	(6,195,089)
Diversity	135,000	476,883	(341,883)
Finance	400,000	1,138,582	(738,582)
Foundation	-	161,208	(161,208)
Human Resources	-	470,254	(470,254)
Law Clerk Program	207,200	184,130	23,070
Legislative	-	281,300	(281,300)
Legal Lunchbox	29,000	51,696	(22,696)
Licensing and Membership Records	450,900	685,796	(234,896)
Licensing Fees	17,320,499	0	17,320,499
Limited License Legal Technician	20,712	91,840	(71,128)
Limited Practice Officers	202,000	131,982	70,018
Mandatory CLE	1,113,800	915,904	197,896
Member Wellness Program	7,500	233,906	(226,406)
Member Services & Engagement	10,800	390,771	(379,971)
Mini CLE	-	110,349	(110,349)
New Member Education	67,000	99,137	(32,137)
Office of General Counsel	-	1,078,051	(1,078,051)
Office of the Executive Director	-	817,261	(817,261)
OGC-Disciplinary Board	-	315,741	(315,741)
Practice of Law Board	-	88,560	(88,560)
Practice Management Assistance	62,000	213,298	(151,298)
Professional Responsibility Program	-	239,590	(239,590)
Public Service Programs	130,000	527,889	(397,889)
Publication and Design Services	-	123,385	(123,385)
Regulatory Services FTE	-	540,945	(540,945)
Sections Administration	297,786	300,489	(2,703)
Service Center	-	733,618	(733,618)
Technology	-	2,094,122	(2,094,122)
Volunteer Engagement	-	113,992	(113,992)
Total General Fund	22,484,537	23,512,812	(1,028,275)
CLE-Seminars and Products	1,605,300	1,304,088	301,212
CLE - Deskbooks	136,500	280,371	(143,871)
Total CLE	1,741,800	1,584,459	157,341
Total All Sections	688,963	1,028,566	(328,603)
Client Protection Fund-Restricted	595,930	688,630	(92,700)
Totals	25,511,230	26,803,468	(1,292,238)

**Washington State Bar Association
Budget Comparison**

Cost Center	FY24 FTE	144.50	FY2023 Budget	FY2024 Budget V6	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
All	FY23 FTE	141.50						
REVENUE								
40205	DIVERSION		7,500	7,500	-	0%	9,375	6,000
40210	RECORDS REQUEST FEES		963	-	(963)	-100%	1,126	-
40300	DONATIONS & GRANTS		265,000	265,000	-	0%	265,000	265,000
40500	INTEREST - INVESTMENTS		39,120	477,147	438,027	1120%	152,008	812,726
40600	LICENSE FEES		17,053,467	16,692,574	(360,893)	-2%	16,052,304	12,116,411
40625	LICENSE FEES - NEW ADMITTEES		-	417,925	417,925		502,089	302,985
40650	LICENSE FEES - LATE FEES		-	200,000	200,000		288,180	269,336
40675	LICENSE FEES - REINSTATEMENTS		-	10,000	10,000		15,314	13,455
40705	EXAM SOFTWARE REVENUE		27,000	27,500	500	2%	28,150	6,715
40800	PUBLICATIONS REVENUE		2,000	1,500	(500)	-25%	1,923	1,142
40900	ROYALTIES		60,800	75,300	14,500	24%	80,607	62,104
40950	NMP PRODUCT SALES		65,000	40,000	(25,000)	-38%	39,844	19,709
41000	SHIPPING & HANDLING		100	300	200	200%	225	108
41100	STATUS CERTIFICATE FEES		27,000	27,000	-	0%	29,548	21,500
41450	SPONSORSHIPS		13,000	11,000	(2,000)	-15%	12,000	9,000
41500	ANNUAL OR OTHER MEETING REV		2,000	4,320	2,320	116%	-	4,320
41700	CONFERENCES & INSTITUTES		5,000	38,000	33,000	660%	3,632	-
41800	SEMINAR REGISTRATIONS		871,450	842,000	(29,450)	-3%	633,144	556,329
41805	MINI-CLE REVENUE		36,430	33,690	(2,740)	-8%	32,564	15,345
41825	SEMINAR REVENUE-OTHER		20,000	20,000	-	0%	12,000	20,970
41850	SEMINAR SPLITS W/ CLE		(205)	(7,125)	(6,920)	3376%	101,660	-
41875	SEMINAR SPLITS W/ OTHERS		14,300	11,000	(3,300)	-23%	33,116	-
42207	BAR EXAM FEES		1,213,000	1,160,000	(53,000)	-4%	1,083,825	1,018,264
42230	BAR EXAM LATE FEES		40,000	55,000	15,000	38%	53,700	65,400
42232	HOUSE COUNSEL APPLICATION FEES		54,000	45,000	(9,000)	-17%	45,540	16,960
42270	RULE 9/LEGAL INTERN FEES		12,000	12,000	-	0%	12,350	11,350
42275	LAW CLERK FEES		185,000	204,000	19,000	10%	194,104	193,833
42281	LLLT LICENSE FEES		16,622	18,562	1,940	12%	13,542	10,155
42285	FOREIGN LAW CONSULTANT FEES		1,240	1,240	-	0%	1,860	1,540
42286	LAW CLERK APPLICATION FEES		3,200	3,200	-	0%	3,700	2,800
42287	SPECIAL ADMISSIONS		15,700	-	(15,700)	-100%	3,190	2,925
42288	INVESTIGATION FEES		21,500	20,200	(1,300)	-6%	22,800	20,700
42290	PRO HAC VICE		400,000	400,000	-	0%	400,282	288,082
42291	LLLT LATE LICENSE FEES		1,100	-	(1,100)	-100%	99	133
42450	AUDIT REVENUE		1,000	1,000	-	0%	893	701
42570	50 YEAR MEMBER TRIBUTE LUNCH		-	500	500		480	-
42710	BNEWS DISPLAY ADVERTISING		400,000	400,000	-	0%	331,332	309,000
42720	BNEWS SUBSCRIPT/SINGLE ISSUES		200	100	(100)	-50%	72	36
42730	BNEWS CLASSIFIED ADVERTISING		2,500	7,500	5,000	200%	11,083	6,390
42760	JOB TARGET ADVERTISING		200,000	200,000	-	0%	271,814	100,326
43100	DESKBOOK SALES (LEXISNEXIS PRINT		150,000	30,000	(120,000)	-80%	20,218	31,198
43200	COURSEBOOK SALES		7,000	10,000	3,000	43%	1,790	815
43400	DIGITAL VIDEO SALES		924,000	920,000	(4,000)	0%	1,234,392	747,663
43450	SECTION PUBLICATION SALES		6,000	1,500	(4,500)	-75%	1,863	1,850
43455	LEXIS/NEXIS ROYALTIES		35,000	75,000	40,000	114%	63,653	27,650
43525	CASEMAKER ROYALTIES		50,000	30,000	(20,000)	-40%	28,934	24,169
44100	WSBA LOGO MERCHANDISE SALES		2,500	-	(2,500)	-100%	2,642	1,962
44350	RECOVERY OF DISCIPLINE COSTS		100,000	100,000	-	0%	85,405	43,278
44450	DISCIPLINE HISTORY SUMMARY		18,000	18,000	-	0%	19,433	14,099
44820	CPF RESTITUTION		40,000	10,000	(30,000)	-75%	8,906	7,045
44840	CPF MEMBER ASSESSMENTS		690,000	525,930	(164,070)	-24%	704,366	703,930
45040	MEMBER CONTACT INFORMATION		4,000	3,700	(300)	-8%	3,325	3,464
45060	PHOTO BAR CARD SALES		200	200	-	0%	240	180
45110	LPO EXAMINATION FEES		24,000	22,000	(2,000)	-8%	32,350	24,200
45115	LPO Exam Late Fee		4,300	3,300	(1,000)	-23%	4,600	4,100
45120	LPO LICENSE FEES		164,750	170,000	5,250	3%	170,168	121,435
45125	LPO LATE LICENSE FEES		988	2,500	1,512	153%	2,820	2,220
45140	LPO LICENSE FEES - REINSTATES		550	-	(550)	-100%	230	-
45210	ACCREDITED PROGRAM FEES		550,000	550,000	-	0%	615,700	512,500
45215	FORM 1 LATE FEE		220,000	220,000	-	0%	226,200	197,900
45220	MEMBER LATE FEES		190,000	194,150	4,150	2%	431,050	236,000
45230	ANNUAL ACCREDITED SPONSOR FEES		38,250	36,000	(2,250)	-6%	34,500	38,750
45250	ATTENDANCE LATE FEES		98,000	90,000	(8,000)	-8%	119,450	100,900
45255	COMITY CERTIFICATES - REQUEST		14,000	13,800	(200)	-1%	16,825	12,125
45260	COMITY CERTIFICATES - SUBMIT		15,000	14,000	(1,000)	-7%	29,325	17,425
47100	TRIAL ADVOCACY PROGRAM		12,000	12,000	-	0%	6,071	15,928
48010	REIMBURSEMENTS FROM SECTIONS		290,543	297,786	7,243	2%	273,426	355,066
48200	SECTION DUES REVENUE		440,225	438,431	(1,794)	0%	416,055	565,974
Total Revenue			25,166,292	25,511,230	344,938	1%	25,298,410	20,363,575

Direct	50015	DEPRECIATION	46,986	50,283	3,297	7%	-	-
	50020	BANK FEES	2,100	3,000	900	43%	2,145	1,898
	50033	CONSULTING SERVICES	176,625	186,550	9,925	6%	117,214	117,807
	50037	DONATIONS/SPONSORSHIPS/GRANTS	260,828	292,309	31,481	12%	248,960	97,237
	50050	EQUIPMENT, HARDWARE & SOFTWARE	-	4,500	4,500	-	-	-
	50060	POSTAGE	127,550	129,002	1,452	1%	127,486	105,400
	50070	PRINTING & COPYING	253,100	252,400	(700)	0%	206,076	169,387
	50080	PUBLICATIONS PRODUCTION	200	300	100	50%	-	169
	50085	YLL SECTION PROGRAM	1,500	1,500	-	0%	550	545
	50095	CLE COMPS	1,000	1,000	-	0%	159	-
	50100	STAFF TRAVEL/PARKING	82,678	81,071	(1,607)	-2%	56,430	34,940
	50110	STAFF CONFERENCE & TRAINING	136,215	133,492	(2,723)	-2%	41,844	47,832
	50120	STAFF MEMBERSHIP DUES	19,000	21,468	2,468	13%	12,681	10,852
	50130	SUBSCRIPTIONS	8,687	10,025	1,338	15%	7,878	6,307
	50135	TRANSCRIPTION SERVICES	-	2,100	2,100	-	-	-
	50140	SUPPLIES	2,900	2,750	(150)	-5%	2,856	2,631
	50145	SURVEYS	45,550	11,600	(33,950)	-75%	5,331	17,512
	50155	DIGITAL/ONLINE DEVELOPMENT	1,000	2,000	1,000	100%	10,145	1,121
	50160	TELEPHONE	97,359	100,285	2,926	3%	85,020	68,003
	50165	CONFERENCE CALLS	3,925	2,654	(1,271)	-32%	1,584	613
	52110	PRO BONO & LEGAL AID COMMITTEE	1,500	2,500	1,000	67%	126	507
	52121	ATJ BOARD RETREAT	2,000	4,000	2,000	100%	396	2,130
	52125	LEADERSHIP TRAINING	42,000	39,000	(3,000)	-7%	25,576	16,073
	52140	ATJ BOARD EXPENSE	78,400	65,000	(13,400)	-17%	13,656	49,184
	52210	FACILITY, PARKING, FOOD	110,000	100,300	(9,700)	-9%	80,879	47,732
	52215	EXAMINER FEES	36,000	34,000	(2,000)	-6%	31,500	12,500
	52221	UBE EXAMINATIONS	123,000	113,000	(10,000)	-8%	110,110	32,208
	52225	BOARD OF BAR EXAMINERS	21,850	39,000	17,150	78%	4,251	13,305
	52230	BAR EXAM PROCTORS	39,000	21,000	(18,000)	-46%	31,952	16,132
	52235	CHARACTER & FITNESS BOARD EXP	12,000	18,000	6,000	50%	123	331
	52240	DISABILITY ACCOMMODATIONS	31,000	70,967	39,967	129%	26,861	18,654
	52245	CHARACTER & FITNESS INVESTI	2,100	1,100	(1,000)	-48%	108	-
	52250	LAW SCHOOL VISITS	1,700	1,700	-	0%	354	249
	52255	LAW CLERK BOARD	8,000	8,000	-	0%	-	5,680
	52258	LAW CLERK OUTREACH	550	5,000	4,450	809%	-	-
	52270	DEPRECIATION-SOFTWARE	24,929	11,038	(13,891)	-56%	24,520	18,337
	52520	ABA DELEGATES	15,000	14,000	(1,000)	-7%	5,828	4,324
	52540	SECTION/COMMITTEE CHAIR MTGS	1,000	1,000	-	0%	-	456
	52570	APEX	47,000	50,000	3,000	6%	46,461	17,500
	52573	50 YEAR MEMBER TRIBUTE LUNCH	20,000	30,000	10,000	50%	30,070	3,428
	52585	WASHINGTON LEADERSHIP INSTITUTE	80,000	80,000	-	0%	44,764	-
	52590	BAR LEADERS CONFERENCE	12,000	-	(12,000)	-100%	-	8,497
	52660	JUD RECOMMEND COMMITTEE	2,250	2,250	-	0%	-	-
	52680	COMMITTEE FOR DIVERSITY	3,800	3,800	-	0%	1,093	953
	52681	DIVERSITY EVENTS & PROJECTS	19,250	31,800	12,550	65%	9,204	3,503
	52683	LLLT BOARD	15,000	14,240	(760)	-5%	5,333	3,909
	52688	EXAM WRITING	9,000	9,000	-	0%	16,663	8,400
	52689	LLLT EDUCATION	500	-	(500)	-100%	-	-
	52710	GRAPHICS/ARTWORK	100	100	-	0%	-	-
	52810	BOG MEETINGS	205,000	190,000	(15,000)	-7%	167,735	105,816
	52820	BOG COMMITTEES' EXPENSES	3,000	2,500	(500)	-17%	233	145
	52821	BOG RETREAT	50,000	35,000	(15,000)	-30%	66	21,874
	52822	BOG CONFERENCE ATTENDANCE	43,000	60,000	17,000	40%	57,070	22,248
	52830	BOG TRAVEL & OUTREACH	14,000	22,000	8,000	57%	19,387	17,707
	52840	ED TRAVEL & OUTREACH	5,000	4,000	(1,000)	-20%	1,529	1,358
	52874	PUBLIC DEFENSE	4,000	4,000	-	0%	5,225	810
	52878	COMMUNICATIONS OUTREACH	15,000	15,000	-	0%	1,298	1,245
	52880	BOG ELECTIONS	26,900	26,900	-	0%	15,900	18,400
	52940	BOARD OF TRUSTEES	750	3,250	2,500	333%	809	103
	52960	PRESIDENT'S DINNER	10,000	15,000	5,000	50%	11,570	-
	53210	COST OF SALES - DESKBOOKS	65,000	4,000	(61,000)	-94%	29,719	4,966
	53220	COST OF SALES - COURSEBOOKS	690	1,100	410	59%	141	92
	53225	COST OF SALES - SECTION PUBLIC	1,500	500	(1,000)	-67%	2,437	832
	53250	A/V DEVELOP COSTS (RECORDING)	1,250	-	(1,250)	-100%	-	-
	53260	OBSOLETE INVENTORY	-	21,000	21,000	-	-	-
	53255	CLE-EQUIP-DEPRECIATION	1,309	2,040	731	56%	1,312	2,512
	53265	SPLITS TO SECTIONS	300	300	-	0%	356	320
	53270	DESKBOOK ROYALTIES	300	300	-	0%	310	92
	53285	ONLINE PRODUCT HOSTING EXPENSES	53,000	53,000	-	0%	51,091	36,161
	53330	POSTAGE & DELIVERY-COURSEBOOKS	-	500	500	-	173	34
	53610	COURSEBOOK PRODUCTION	1,000	500	(500)	-50%	-	-
	53620	POSTAGE - FLIERS/CATALOGS	5,000	-	(5,000)	-100%	149	-
	53640	ACCREDITATION FEES	3,000	3,000	-	0%	1,788	2,628
	53660	SEMINAR BROCHURES	20,000	-	(20,000)	-100%	-	-
	53690	FACILITIES	165,200	160,500	(4,700)	-3%	71,651	53,898
	53700	SPEAKERS & PROGRAM DEVELOP	33,500	45,100	11,600	35%	13,690	18,651
	53730	HONORARIUM	1,200	4,500	3,300	275%	3,000	-
	53740	CLE SEMINAR COMMITTEE	200	200	-	0%	-	-
	54026	IMAGE LIBRARY	4,100	4,100	-	0%	4,100	4,100
	54027	BAR OUTREACH	18,000	18,000	-	0%	1,353	566
	54130	PRO BONO CERTIFICATES	2,000	2,000	-	0%	1,655	457
	54310	COURT REPORTERS	75,000	75,500	500	1%	50,285	47,281
	54320	OUTSIDE COUNSEL EXPENSES	1,500	1,000	(500)	-33%	-	-
	54360	LITIGATION EXPENSES	25,200	40,200	15,000	60%	13,404	18,907
	54370	DISABILITY EXPENSES	9,000	9,000	-	0%	3,500	198
	54400	TRANSLATION SERVICES	9,400	1,000	(8,400)	-89%	7,302	3,737
	54430	PRACTICE MONITOR EXPENSES	1,000	-	(1,000)	-100%	-	-

54512	STAFF TRAINING- GENERAL	15,000	12,912	(2,088)	-14%	3,826	2,066
54520	RECRUITING AND ADVERTISING	6,600	8,000	1,400	21%	6,178	3,971
54530	PAYROLL PROCESSING	50,000	50,000	-	0%	50,075	36,180
54540	SALARY SURVEYS	1,500	1,500	-	0%	-	-
54590	TRANSFER TO INDIRECT EXPENSE	(77,100)	(77,112)	(12)	0%	(75,425)	(44,066)
54610	LIBRARY MATERIALS/RESOURCES	4,000	4,000	-	0%	1,712	184
54715	MEMBER WELLNESS COUNCIL	550	1,000	450	82%	-	-
54810	GIFTS TO INJURED CLIENTS	500,000	500,000	-	0%	566,947	82,963
54820	CPF BOARD	-	2,000	2,000	-	390	781
54910	RENT - OLYMPIA OFFICE	-	1,500	1,500	-	-	-
54920	CONTRACT LOBBYIST	15,000	12,500	(2,500)	-17%	10,000	12,500
54940	LEGISLATIVE COMMITTEE	1,250	1,250	-	0%	9	-
54970	BOG LEGISLATIVE COMMITTEE	300	300	-	0%	-	-
55010	LICENSING FORMS	2,000	-	(2,000)	-100%	915	2,401
55130	LPO BOARD EXPENSES	1,792	4,000	2,208	123%	-	2,301
55165	LPO OUTREACH	1,000	1,000	-	0%	-	-
55210	MCLE BOARD EXPENSES	2,000	5,000	3,000	150%	-	-
55220	DEPRECIATION-SOFTWARE	59,565	130,449	70,884	119%	24,455	6,443
55250	CASEMAKER/FASTCASE	73,000	75,000	2,000	3%	75,064	72,966
55265	SPEAKERS & PROGRAM DEVELOPMEN	100	250	150	150%	-	-
55266	NEW LAWYER OUTREACH EVENTS	1,500	1,500	-	0%	891	250
55270	NEW LAWYERS COMMITTEE	12,000	13,500	1,500	13%	2,003	1,178
55285	OPEN SECTIONS NIGHT	3,500	-	(3,500)	-100%	-	-
55310	DISCIPLINARY BOARD EXPENSES	4,000	4,000	-	0%	1	-
55320	CHIEF HEARING OFFICER	30,000	40,000	10,000	33%	30,000	22,500
55330	HEARING OFFICER EXPENSES	17,500	4,000	(13,500)	-77%	2,763	891
55340	HEARING OFFICER TRAINING	400	400	-	0%	-	-
55370	OUTSIDE COUNSEL	51,500	48,000	(3,500)	-7%	48,000	36,000
55380	DISCIPLINARY SELECTION PANEL	-	1,000	1,000	-	-	-
55419	COURT RULES COMMITTEE	1,000	1,000	-	0%	0	-
55510	PRACTICE OF LAW BOARD	12,000	12,000	-	0%	-	2,220
55555	NEW EXPENSE ACCOUNT NEEDED	-	264,475	264,475	-	-	-
55610	CPE COMMITTEE	1,000	1,000	-	0%	-	890
55615	WILLS	2,000	2,000	-	0%	-	-
55620	CUSTODIANSHIP	8,150	5,000	(3,150)	-39%	245	199
55980	SMALL TOWN AND RURAL COMMITTE	3,700	5,000	1,300	35%	-	2,659
56100	COMPUTER HARDWARE	65,000	65,000	-	0%	67,315	59,535
56150	COMPUTER SOFTWARE	316,525	320,000	3,475	1%	184,289	168,752
56225	HARDWARE SERVICE & WARRANTIES	60,000	45,000	(15,000)	-25%	49,719	44,432
56230	SOFTWARE MAINT & LICENSING	380,000	345,000	(35,000)	-9%	375,274	299,331
56500	COMPUTER SUPPLIES	2,000	-	(2,000)	-100%	3,103	-
56550	THIRD PARTY SERVICES	40,000	10,000	(30,000)	-75%	22,446	31,419
56900	TRANSFER TO INDIRECT EXPENSES	(1,080,975)	(1,134,200)	(53,225)	5%	(852,470)	(754,362)
57320	TRIAL ADVOCACY EXPENSES	1,500	1,500	-	0%	-	-
58010	DUES STATEMENTS	5,000	-	(5,000)	-100%	4,593	-
58125	ANNUAL OR OTHER MEETING EXPENS	28,640	24,200	(4,440)	-16%	150	3,590
58150	ATTENDANCE AT BOG MEETINGS	1,960	1,550	(410)	-21%	593	-
58175	AWARDS	11,520	8,260	(3,260)	-28%	1,046	391
58200	BREAKFAST/LUNCH/DINNER MTG EXP	7,300	6,000	(1,300)	-18%	-	-
58225	CONFERENCE/INSTITUTE EXPENSE	23,145	-	(23,145)	-100%	-	15,214
58300	EXECUTIVE COMMITTEE EXPENSES	75,950	70,080	(5,870)	-8%	2,374	12,181
58305	EXECUTIVE COMM EXP - OTHER	36,550	54,000	17,450	48%	23,536	14,218
58315	HONORARIUM	9,500	8,100	(1,400)	-15%	3,110	-
58325	LDSHIP/PROF DEVELOP/RETREATS	89,670	91,830	2,160	2%	27,543	31,480
58326	LEGISLATIVE/LOBBYING	1,500	2,000	500	33%	-	-
58350	MEMBERSHIP & RECRUITING EXP	24,025	29,295	5,270	22%	9,928	400
58375	NEWSLETTER/PUBLICATION EXPENSE	14,560	13,550	(1,010)	-7%	3,549	3,976
58400	PER MEMBER CHARGE	272,143	284,470	12,327	5%	273,426	355,066
58450	RECEPTION/FORUM EXPENSE	42,810	44,810	2,000	5%	7,176	15,856
58500	NEW LAWYER OUTREACH	6,800	6,320	(480)	-7%	1,000	316
58525	SCHOLARSHIPS/DONATIONS/GRANT	143,370	172,700	29,330	20%	72,500	48,673
58550	SECTION COMMITTEE EXPENSE	3,000	2,500	(500)	-17%	-	-
58600	SECTION SPECIAL PROJECTS	14,200	14,420	220	2%	3,500	450
58615	LAW SCHOOL OUTREACH	11,300	14,310	3,010	27%	1,278	3,358
58620	MINI-CLE EXPENSE	42,959	53,804	10,845	25%	9,077	8,801
58625	SEMINAR EXPENSE - SECTIONS	63,144	111,633	48,489	77%	21,412	5,313
58675	WEBSITE EXPENSES	8,420	10,880	2,460	29%	3,248	3,372
58750	SEMINAR SCHOLARSHIPS	6,000	8,000	2,000	33%	1,950	2,000
Total Direct Expenses		4,432,754	4,704,510	271,757	6%	3,043,141	1,970,620

Indirect	51110	SALARIES	13,113,765	13,743,352	629,588	5%	11,940,870	9,435,213
	51130	VACATION & COMP TIME ACCRUALS						71,550
	51120	BUDGETED TEMPORARY EMPLOYEES	200,627	142,512	(58,115)	-29%	143,280	161,020
	51121	UNANTICIPATED TEMPS	-	-	-		31,013	1,364
	51122	STAFF REPLACEMENT TEMPS						32,819
	51210	EMPLOYEE ASSISTANCE PLAN	4,800	4,800	-	0%	4,800	4,000
	51220	EMPLOYEE SERVICE AWARDS	2,038	1,680	(358)	-18%	1,655	1,670
	51230	FICA (EMPLOYER PORTION)	806,675	1,015,935	209,260	26%	915,303	691,335
	51240	L&I INSURANCE	62,000	71,948	9,948	16%	65,681	44,190
	51245	WA STATE FAMILY MEDICAL LEAVE (I	18,000	29,351	11,351	63%	18,724	18,518
	51250	MEDICAL (EMPLOYER PORTION)	1,701,951	1,743,648	41,697	2%	1,652,191	1,235,512
	51270	RETIREMENT (EMPLOYER PORTION)	1,356,286	1,292,648	(63,638)	-5%	1,203,504	967,859
	51280	TRANSPORTATION ALLOWANCE	65,045	34,000	(31,045)	-48%	51,168	32,478
	51290	UNEMPLOYMENT INSURANCE	65,206	81,488	16,282	25%	74,734	56,961
	51310	WORKPLACE BENEFITS	45,980	52,710	6,730	15%	33,394	19,158
	51340	HUMAN RESOURCES POOLED EXP	77,100	77,112	12	0%	75,425	44,066
	51405	MEETING SUPPORT EXPENSES	10,000	7,500	(2,500)	-25%	5,182	4,565
	51409	RENT EXPENSE						1,724,937
	51410	RENT	2,131,247	2,065,775	(65,472)	-3%	2,031,801	237,241
	51413	RENT - CONFERENCE CENTER						(27,900)
	51411	MOVE/DOWNSIZING EXPENSES	31,859	-	(31,859)	-100%	-	20,188
	51420	PERSONAL PROP TAXES-WSBA	6,650	6,650	(0)	0%	5,832	4,070
	51430	FURNITURE, MAINT, LH IMP	25,300	45,000	19,700	78%	19,729	6,304
	51440	OFFICE SUPPLIES & EQUIP	18,000	21,500	3,500	19%	19,752	14,167
	51450	FURN & OFFICE EQUIP DEPREC	64,498	111,192	46,694	72%	53,757	45,116
	51460	FURN & OFFICE EQUIP DEPREC-NEW	-	-	-		-	-
	51470	COMPUTER HARDWARE DEPREC	45,354	49,926	4,572	10%	36,255	31,250
	51480	COMPUTER SOFTWARE DEPREC	92,726	71,787	(20,939)	-23%	99,934	39,723
	51500	INSURANCE	272,643	272,643	(0)	0%	254,713	198,227
	51501	WORK HOME FURNITURE & EQUIP	14,000	14,000	-	0%	43,021	4,520
	51505	PROFESSIONAL FEES-AUDIT	50,000	35,000	(15,000)	-30%	30,000	30,365
	51510	PROFESSIONAL FEES- LEGAL	200,000	200,000	-	0%	135,866	47,107
	51512	ONLINE LEGAL RESEARCH	50,000	24,359	(25,641)	-51%	-	33,769
	51513	ACCOMODATIONS FUND	-	6,500	6,500		-	-
51514	TRANSLATION SERVICES	-	12,000	12,000		-	-	
51515	TELEPHONE & INTERNET	33,600	33,000	(600)	-2%	14,437	16,077	
51520	POSTAGE - GENERAL	24,000	18,300	(5,700)	-24%	17,215	9,610	
51525	RECORDS STORAGE	30,000	30,000	0	0%	27,648	18,045	
51526	STAFF TRAINING	-	-	-		-	-	
51530	BANK FEES (INDIRECT)	51,000	50,000	(1,000)	-2%	46,531	38,107	
51620	PRODUCTION MAINT & SUPPLIES	15,340	12,500	(2,840)	-19%	10,650	3,991	
51710	COMPUTER POOLED EXPENSES	1,080,975	1,134,200	53,225	5%	852,470	754,362	
51925	ALLOWANCE FOR OPEN POSITIONS	(200,000)	(200,000)	-	0%	-	-	
51955	CAPITAL LABOR & OVERHEAD	(280,000)	(210,000)	70,000	-25%	(267,632)	(208,805)	
55555	NEW EXPENSE ACCOUNT NEEDED		(4,060)	(4,060)				
TOTAL INDIRECT EXPENSES:			21,286,666	22,098,957	844,151	4%	19,648,904	15,862,751
TOTAL ALL EXPENSES:			25,719,419	26,803,468	1,115,907	4%	22,692,045	17,833,371
NET INCOME (LOSS):			(553,127)	(1,292,237)	(770,969)	139%	2,606,365	2,530,203

**Washington State Bar Association
Budget Comparison**

INDIRECT EXPENSES

Cost Center FY24 FTE 144.50
All FY23 FTE 141.50

			FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD	
INDIRECT	51110	SALARIES		13,113,765	13,743,352	629,588	5%	11,940,870	9,435,213
	51130	VACATION & COMP TIME ACCRUALS							71,550
	51120	BUDGETED TEMPORARY EMPLOYEES		200,627	142,512	(58,115)	-29%	143,280	161,020
	51121	UNANTICIPATED TEMPS		-	-	-		31,013	1,364
	51122	STAFF REPLACEMENT TEMPS							32,819
	51925	ALLOWANCE FOR OPEN POSITIONS		(200,000)	(200,000)	-	0%	-	-
	55555	INSURANCE REBATE			(4,060)	(4,060)		-	-
	51955	CAPITAL LABOR & OVERHEAD		(280,000)	(210,000)	70,000	-25%	(267,632)	(208,805)
	51199	SALARY EXPENSE		12,834,392	13,471,804	637,413	5%	11,847,531	9,493,161
	51210	EMPLOYEE ASSISTANCE PLAN		4,800	4,800	-	0%	4,800	4,000
	51220	EMPLOYEE SERVICE AWARDS		2,038	1,680	(358)	-18%	1,655	1,670
	51230	FICA (EMPLOYER PORTION)		806,675	1,015,935	209,260	26%	915,303	691,335
	51240	L&I INSURANCE		62,000	71,948	9,948	16%	65,681	44,190
	51245	WA STATE FAMILY MEDICAL LEAVE (ER PORTION)		18,000	29,351	11,351	63%	18,724	18,518
	51250	MEDICAL (EMPLOYER PORTION)		1,701,951	1,743,648	41,697	2%	1,652,191	1,235,512
	51270	RETIREMENT (EMPLOYER PORTION)		1,356,286	1,292,648	(63,638)	-5%	1,203,504	967,859
	51280	TRANSPORTATION ALLOWANCE		65,045	34,000	(31,045)	-48%	51,168	32,478
	51290	UNEMPLOYMENT INSURANCE		65,206	81,488	16,282	25%	74,734	56,961
	51299	BENEFITS EXPENSE		4,082,002	4,275,499	193,497	5%	3,987,760	3,052,522
	51310	WORKPLACE BENEFITS		45,980	52,710	6,730	15%	33,394	19,158
	51340	HUMAN RESOURCES POOLED EXP		77,100	77,112	12	0%	75,425	44,066
	51405	MEETING SUPPORT EXPENSES		10,000	7,500	(2,500)	-25%	5,182	4,565
	51409	RENT EXPENSE							1,724,937
	51410	RENT		2,131,247	2,065,775	(65,472)	-3%	2,031,801	237,241
	51411	MOVE/DOWNSIZING EXPENSES		31,859	-	(31,859)	-100%	-	20,188
	51413	RENT - CONFERENCE CENTER							(27,900)
	51420	PERSONAL PROP TAXES-WSBA		6,650	6,650	(0)	0%	5,832	4,070
	51430	FURNITURE, MAINT, LH IMP		25,300	45,000	19,700	78%	19,729	6,304
	51440	OFFICE SUPPLIES & EQUIP		18,000	21,500	3,500	19%	19,752	14,167
	51450	FURN & OFFICE EQUIP DEPREC		64,498	111,192	46,694	72%	53,757	45,116
	51470	COMPUTER HARDWARE DEPREC		45,354	49,926	4,572	10%	36,255	31,250
	51480	COMPUTER SOFTWARE DEPREC		92,726	71,787	(20,939)	-23%	99,934	39,723
	51500	INSURANCE		272,643	272,643	(0)	0%	254,713	198,227
	51501	WORK HOME FURNITURE & EQUIP		14,000	14,000	-	0%	43,021	4,520
	51505	PROFESSIONAL FEES-AUDIT		50,000	35,000	(15,000)	-30%	30,000	30,365
	51510	PROFESSIONAL FEES- LEGAL		200,000	200,000	-	0%	135,866	47,107
	51512	ONLINE LEGAL RESEARCH		50,000	24,359	(25,641)	-51%	-	33,769
	51513	ACCOMODATIONS FUND		-	6,500	6,500			
	51514	TRANSLATION SERVICES		-	12,000	12,000			
	51515	TELEPHONE & INTERNET		33,600	33,000	(600)	-2%	14,437	16,077
	51520	POSTAGE - GENERAL		24,000	18,300	(5,700)	-24%	17,215	9,610
	51525	RECORDS STORAGE		30,000	30,000	0	0%	27,648	18,045
	51526	STAFF TRAINING		-	-	-		-	-
	51530	BANK FEES (INDIRECT)		51,000	50,000	(1,000)	-2%	46,531	38,107
	51620	PRODUCTION MAINT & SUPPLIES		15,340	12,500	(2,840)	-19%	10,650	3,991
	51710	COMPUTER POOLED EXPENSES		1,080,975	1,134,200	53,225	5%	852,470	754,362
	51900	OTHER INDIRECT EXPENSE		4,370,272	4,351,654	(18,618)	0%	3,813,613	3,317,068
		TOTAL INDIRECT EXPENSES:		21,286,666	22,098,957	812,292	4%	19,648,904	15,862,751

**Washington State Bar Association
Budget Comparison**

ACCESS TO JUSTICE
 Cost Center **FY24 FTE 1.64**
 ATJ **FY23 FTE 1.64**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:

TOTAL REVENUE		-	-	-	-	-		
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	3,000	2,800	(200)	-7%	258	1,119
	50110	STAFF CONFERENCE & TRAINING	1,675	3,300	1,625	97%	350	375
	50145	SURVEYS	100	-	(100)	-100%	-	331
	52121	ATJ BOARD RETREAT	2,000	4,000	2,000	100%	396	2,130
	52125	LEADERSHIP TRAINING	2,000	4,000	2,000	100%	2,000	2,175
	52140	ATJ BOARD EXPENSE	78,400	65,000	(13,400)	-17%	13,656	49,184
	52874	PUBLIC DEFENSE	4,000	4,000	-	0%	5,225	810
	58225	CONFERENCE/INSTITUTE EXPENSE	23,145	-	(23,145)	-100%	-	15,214
	58450	RECEPTION/FORUM EXPENSE	7,500	11,000	3,500	47%	-	748
TOTAL DIRECT EXPENSES			121,820	94,100	(27,720)	-23%	21,885	72,086
INDIRECT EXPENSES:	51199	SALARY EXPENSE	138,139	145,500	7,361	5%	91,005	104,778
	51299	BENEFITS EXPENSE	48,192	47,875	(317)	-1%	33,679	35,106
	51900	OTHER INDIRECT EXPENSE	50,751	49,389	(1,362)	-3%	35,177	34,448
TOTAL INDIRECT EXPENSES:			237,082	242,764	5,682	2%	159,861	174,332
TOTAL ALL EXPENSES:			358,902	336,864	(22,038)	-6%	181,745	246,418
NET INCOME (LOSS):			(358,902)	(336,864)	22,038	-6%	(181,745)	(246,418)

**Washington State Bar Association
Budget Comparison**

ADMISSIONS			Washington State Bar Association Budget Comparison				
Cost Center	FY24 FTE	FY23 FTE	FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2023 Actuals YTD
ADMISS	6.75	6.75					
REVENUE:							
40705			27,000	27,500	500	2%	6,715
42207			1,213,000	1,160,000	(53,000)	-4%	1,018,264
42230			40,000	55,000	15,000	38%	65,400
42232			54,000	45,000	(9,000)	-17%	16,960
42270			12,000	12,000	-	0%	11,350
42285			1,240	1,240	-	0%	1,540
42287			15,700	-	(15,700)	-100%	2,925
TOTAL REVENUE			1,362,940	1,300,740	(62,200)	-5%	1,123,154
DIRECT EXPENSES:							
50050			-	1,000	1,000		-
50060			750	1,000	250	33%	493
50100			23,000	20,000	(3,000)	-13%	9,861
50110			10,500	13,500	3,000	29%	1,644
50120			600	400	(200)	-33%	400
50140			2,750	1,500	(1,250)	-45%	784
52210			101,000	94,000	(7,000)	-7%	45,564
52215			36,000	34,000	(2,000)	-6%	12,500
52221			123,000	113,000	(10,000)	-8%	32,208
52225			21,850	39,000			13,305
52230			39,000	21,000	(850)	-4%	16,132
52240			27,000	55,967	28,967	107%	18,438
52245			2,000	1,000	(1,000)	-50%	-
54380			-	-	-		-
55555			-	41,140	41,140		-
52250			1,700	1,700	-	0%	249
54390			-	-	-		-
52270			24,929	11,038	(13,891)	-56%	18,337
TOTAL DIRECT EXPENSES			414,079	449,245	35,166	8%	169,915
INDIRECT EXPENSES:							
51199			512,745	522,057	9,312	2%	369,535
51299			171,146	186,844	15,698	9%	145,406
51900			208,882	203,278	(5,604)	-3%	141,590
TOTAL INDIRECT EXPENSES:			892,773	912,180	19,407	2%	656,532
TOTAL ALL EXPENSES:			1,306,852	1,361,425	54,573	4%	826,446
NET INCOME (LOSS):			56,088	(60,685)	(116,773)	-208%	296,708

**Washington State Bar Association
Budget Comparison**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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ADVANCEMENT FTE
 Cost Center **FY24 FTE 1.89**
 ADV FTE **FY23 FTE 1.88**

REVENUE:

TOTAL REVENUE		-	-	-		-	-
DIRECT EXPENSES:	50110 STAFF CONFERENCE & TRAINING	8,100	8,424	324	4%	2,924	3,004
	TOTAL DIRECT EXPENSES	8,100	8,424	324	4%	2,924	3,004
INDIRECT EXPENSES:	51199 SALARY EXPENSE	233,777	244,054	10,277	4%	223,017	175,505
	51299 BENEFITS EXPENSE	62,511	58,985	(3,526)	-6%	66,651	46,196
	51900 OTHER INDIRECT EXPENSE	58,178	56,918	(1,260)	-2%	51,127	39,309
	TOTAL INDIRECT EXPENSES:	354,465	359,957	5,491	2%	340,795	261,009
	TOTAL ALL EXPENSES:	362,565	368,381	5,815	2%	343,719	264,013
	NET INCOME (LOSS):	(362,565)	(368,381)	(5,815)	2%	(343,719)	(264,013)

**Washington State Bar Association
Budget Comparison**

BAR NEWS
Cost Center
BN

FY24 FTE 2.23
FY23 FTE 2.23

			FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	40900	ROYALTIES	-	2,500	2,500		5,310	-
	42710	BNEWS DISPLAY ADVERTISING	400,000	400,000	-	0%	331,332	309,000
	42720	BNEWS SUBSCRIPT/SINGLE ISSUES	200	100	(100)	-50%	72	36
	42730	BNEWS CLASSIFIED ADVERTISING	2,500	7,500	5,000	200%	11,083	6,390
	42740	GEN ANNOUNCEMENTS	-	-	-		17,344	-
	42750	PROF ANNOUNCEMENTS	-	-	-		24,086	-
	42760	JOB TARGET ADVERTISING	200,000	200,000	-	0%	271,814	100,326
		TOTAL REVENUE	602,700	610,100	7,400	1%	661,041	415,751
DIRECT EXPENSES:	50060	POSTAGE	110,000	110,000	-	0%	103,134	86,839
	50070	PRINTING & COPYING	250,000	250,000	-	0%	205,953	168,088
	50110	STAFF CONFERENCE & TRAINING	2,000	2,500	500	25%	997	-
	50120	STAFF MEMBERSHIP DUES	135	135	-	0%	-	-
	50130	SUBSCRIPTIONS	225	225	-	0%	90	(347)
	52730	OUTSIDE SALES EXPENSE	-	-	-		1,730	-
	50155	DIGITAL/ONLINE DEVELOPMENT	1,000	2,000	1,000	100%	9,815	1,121
	52710	GRAPHICS/ARTWORK	100	100	-	0%	-	-
		TOTAL DIRECT EXPENSES	363,460	364,960	1,500	0%	321,719	255,700
INDIRECT EXPENSES:	51199	SALARY EXPENSE	209,396	213,007	3,611	2%	203,354	157,634
	51299	BENEFITS EXPENSE	54,103	63,040	8,937	17%	56,755	39,855
	51900	OTHER INDIRECT EXPENSE	69,008	67,157	(1,851)	-3%	74,539	46,802
		TOTAL INDIRECT EXPENSES:	332,507	343,204	10,696	3%	334,648	244,291
		TOTAL ALL EXPENSES:	695,967	708,164	12,196	2%	656,367	499,991
		NET INCOME (LOSS):	(93,267)	(98,064)	(4,796)	5%	4,674	(84,239)

**Washington State Bar Association
Budget Comparison**

BOARD OF GOVERNORS
 Cost Center FY24 FTE 1.20
 BOG FY23 FTE 1.40

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:

TOTAL REVENUE		-	-	-	-	-	-	
DIRECT EXPENSES:	50033	CONSULTING SERVICES	-	-	-		7,264	6,143
	50140	SUPPLIES	-	500	500		-	-
	52125	LEADERSHIP TRAINING	20,000	20,000	-	0%	23,576	7,738
	52810	BOG MEETINGS	205,000	190,000	(15,000)	-7%	167,735	105,816
	52820	BOG COMMITTEES' EXPENSES	3,000	2,500	(500)	-17%	233	145
	52821	BOG RETREAT	50,000	35,000	(15,000)	-30%	66	21,874
	52822	BOG CONFERENCE ATTENDANCE	43,000	60,000	17,000	40%	57,070	22,248
	52830	BOG TRAVEL & OUTREACH	14,000	22,000	8,000	57%	19,387	17,707
	52880	BOG ELECTIONS	26,900	26,900	-	0%	15,900	18,400
	52960	PRESIDENT'S DINNER	10,000	15,000	5,000	50%	11,570	-
	52910	MEMBER OUTREACH/ETHOS MEETINGS	-	-	-		18,786	-
	55555	NEW GOVERNOR ORIENTATION	-	10,000	10,000		-	-
	55555	PRESIDENTS PHOTO	-	3,300	3,300		-	-
	55555	LONG RANGE STRATEGIC PLANNING COUNCIL	-	600	600		-	-
TOTAL DIRECT EXPENSES			371,900	385,800	13,900	4%	321,588	200,070
INDIRECT EXPENSES:	51199	SALARY EXPENSE	112,271	104,320	(7,950)	-7%	104,367	91,628
	51299	BENEFITS EXPENSE	36,105	30,817	(5,289)	-15%	33,720	26,083
	51900	OTHER INDIRECT EXPENSE	43,324	45,173	1,849	4%	37,837	29,325
TOTAL INDIRECT EXPENSES:			191,700	180,310	(11,390)	-6%	175,924	147,036
TOTAL ALL EXPENSES:			563,600	566,110	2,510	0%	497,512	347,106
NET INCOME (LOSS):			(563,600)	(566,110)	(2,510)	0%	(497,512)	(347,106)

**Washington State Bar Association
Budget Comparison**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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CHARACTER & FITNESS BOARD

Cost Center **FY24 FTE 0.75**
CFB **FY23 FTE 0.75**

REVENUE:							
TOTAL REVENUE			-	-	-	-	-
DIRECT EXPENSES:	52235	CHARACTER & FITNESS BOARD EXP	12,000	18,000	6,000	50%	123
	54310	COURT REPORTERS	15,000	15,000	-	0%	3,256
TOTAL DIRECT EXPENSES			27,000	33,000	6,000	22%	3,379
INDIRECT EXPENSES:	51199	SALARY EXPENSE	90,551	93,739	3,189	4%	14,315
	51299	BENEFITS EXPENSE	25,863	22,924	(2,939)	-11%	2,796
	51900	OTHER INDIRECT EXPENSE	23,209	22,586	(623)	-3%	1,513
TOTAL INDIRECT EXPENSES:			139,623	139,249	(373)	0%	18,624
TOTAL ALL EXPENSES:			166,623	172,249	5,627	3%	22,004
NET INCOME (LOSS):			(166,623)	(172,249)	(5,627)	3%	(22,004)

**Washington State Bar Association
Budget Comparison**

COMMUNICATION STRATEGIES

Cost Center **FY24 FTE 5.20**
 COMM **FY23 FTE 5.20**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	41450	SPONSORSHIPS	1,000	-	(1,000)	-100%	1,000	-
	42570	50 YEAR MEMBER TRIBUTE LUNCH	-	500	500		480	-
	44100	WSBA LOGO MERCHANDISE SALES	2,500	-	(2,500)	-100%	2,642	1,962
		TOTAL REVENUE	3,500	500	(3,000)	-86%	4,122	1,962
DIRECT EXPENSES:	50050	EQUIPMENT, HARDWARE & SOFTWARE	-	2,500	2,500		-	-
	50100	STAFF TRAVEL/PARKING	3,395	5,895	2,500	74%	4,003	2,005
	50110	STAFF CONFERENCE & TRAINING	7,500	7,500	-	0%	2,358	1,817
	50120	STAFF MEMBERSHIP DUES	1,120	1,120	-	0%	740	1,297
	50130	SUBSCRIPTIONS	4,000	4,000	-	0%	3,468	1,891
	52570	APEX	47,000	50,000	3,000	6%	46,461	17,500
	52573	50 YEAR MEMBER TRIBUTE LUNCH	20,000	30,000	10,000	50%	30,070	3,428
	52878	COMMUNICATIONS OUTREACH	15,000	15,000	-	0%	1,298	1,245
	54027	BAR OUTREACH	18,000	18,000	-	0%	1,353	566
		TOTAL DIRECT EXPENSES	116,015	134,015	18,000	16%	90,837	29,748
INDIRECT EXPENSES:	51199	SALARY EXPENSE	387,612	398,702	11,090	3%	354,285	290,901
	51299	BENEFITS EXPENSE	126,285	136,152	9,867	8%	128,514	93,549
	51900	OTHER INDIRECT EXPENSE	160,917	156,599	(4,317)	-3%	139,241	109,303
		TOTAL INDIRECT EXPENSES:	674,814	691,453	16,639	2%	622,039	493,752
		TOTAL ALL EXPENSES:	790,829	825,468	34,639	4%	712,876	523,501
		NET INCOME (LOSS):	(787,329)	(824,968)	(37,639)	5%	(708,755)	(521,539)

**Washington State Bar Association
Budget Comparison**

COMMUNICATION STRATEGIES FTE

Cost Center **FY24 FTE 1.00**
 COMM FTE **FY23 FTE 1.00**

	FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
INDIRECT EXPENSES:						
51199 SALARY EXPENSE	168,213	171,146	2,933	2%	154,665	126,747
51299 BENEFITS EXPENSE	44,241	48,124	3,883	9%	41,050	32,405
51900 OTHER INDIRECT EXPENSE	30,946	30,115	(830)	-3%	26,865	21,031
TOTAL INDIRECT EXPENSES:	243,400	249,385	5,985	2%	222,579	180,183
NET INCOME (LOSS):	(243,400)	(249,385)	(5,985)	2%	(222,579)	(180,183)

Washington State Bar Association
Budget Comparison

DISCIPLINE

Cost Center
DISC

FY24 FTE 38.00
FY23 FTE 38.00

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	42450	AUDIT REVENUE	1,000	1,000	-	0%	893	701
	40200	COPY FEES	-	-	-		36	-
	44350	RECOVERY OF DISCIPLINE COSTS	100,000	100,000	-	0%	85,405	43,278
	44450	DISCIPLINE HISTORY SUMMARY	18,000	18,000	-	0%	19,433	14,099
		TOTAL REVENUE	119,000	119,000	-	0%	105,767	58,078
DIRECT EXPENSES:	50015	DEPRECIATION	45,835	45,608	(227)	0%	-	-
	50080	PUBLICATIONS PRODUCTION	200	300	100	50%	-	169
	50100	STAFF TRAVEL/PARKING	20,000	15,000	(5,000)	-25%	13,222	6,143
	50110	STAFF CONFERENCE & TRAINING	33,295	34,627	1,332	4%	19,171	18,827
	50120	STAFF MEMBERSHIP DUES	7,610	7,365	(245)	-3%	6,100	1,920
	50160	TELEPHONE	2,359	4,800	2,441	103%	2,721	2,426
	54310	COURT REPORTERS	60,000	60,000	-	0%	46,457	46,412
	54320	OUTSIDE COUNSEL EXPENSES	1,500	1,000	(500)	-33%	-	-
	54360	LITIGATION EXPENSES	25,000	40,000	15,000	60%	13,258	18,907
	54370	DISABILITY EXPENSES	9,000	9,000	-	0%	3,500	198
	54400	TRANSLATION SERVICES	1,200	1,000	(200)	-17%	512	320
	54430	PRACTICE MONITOR EXPENSES	1,000	-	(1,000)	-100%	-	-
	54380	ONLINE LEGAL RESEARCH	-	-	-		55,493	-
	54390	LAW LIBRARY	-	-	-		5,453	-
		TOTAL DIRECT EXPENSES	206,999	218,700	11,701	6%	165,886	95,322
INDIRECT EXPENSES:	51199	SALARY EXPENSE	3,764,781	3,795,327	30,547	1%	3,496,048	2,616,774
	51299	BENEFITS EXPENSE	1,073,208	1,155,682	82,474	8%	1,090,771	803,473
	51900	OTHER INDIRECT EXPENSE	1,169,740	1,144,380	(25,360)	-2%	990,943	793,556
		TOTAL INDIRECT EXPENSES:	6,007,729	6,095,389	87,660	1%	5,577,763	4,213,803
		TOTAL ALL EXPENSES:	6,214,728	6,314,089	99,361	2%	5,743,648	4,309,125
		NET INCOME (LOSS):	(6,095,728)	(6,195,089)	(99,361)	2%	(5,637,881)	(4,251,047)

**Washington State Bar Association
Budget Comparison**

DIVERSITY

Cost Center
DIV

FY24 FTE 2.69
FY23 FTE 1.69

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	40300	DONATIONS & GRANTS	135,000	135,000	-	0%	135,000	135,000
	TOTAL REVENUE		135,000	135,000	-	0%	135,000	135,000
DIRECT EXPENSES:	50033	CONSULTING SERVICES	54,625	66,550	11,925	22%	25,722	13,575
	50100	STAFF TRAVEL/PARKING	2,000	1,500	(500)	-25%	541	774
	50110	STAFF CONFERENCE & TRAINING	5,000	2,000	(3,000)	-60%	1,663	600
	50120	STAFF MEMBERSHIP DUES	360	550	190	53%	45	90
	50145	SURVEYS	45,000	11,500	(33,500)	-74%	5,000	16,500
	52680	COMMITTEE FOR DIVERSITY	3,800	3,800	-	0%	1,093	953
	52681	DIVERSITY EVENTS & PROJECTS	19,250	31,800	12,550	65%	9,204	3,503
	TOTAL DIRECT EXPENSES		130,035	117,700	(12,335)	-9%	43,328	35,995
INDIRECT EXPENSES:	51199	SALARY EXPENSE	144,941	212,559	67,618	47%	155,618	80,526
	51299	BENEFITS EXPENSE	43,533	65,613	22,081	51%	52,631	30,803
	51900	OTHER INDIRECT EXPENSE	52,260	81,010	28,750	55%	64,701	35,546
	TOTAL INDIRECT EXPENSES:		240,734	359,183	118,449	49%	272,950	146,875
	TOTAL ALL EXPENSES:		370,769	476,883	106,114	29%	316,278	182,869
	NET INCOME (LOSS):		(235,769)	(341,883)	(106,114)	45%	(181,278)	(47,869)

**Washington State Bar Association
Budget Comparison**

FINANCE
Cost Center
FIN

FY24 FTE 6.92
FY23 FTE 6.92

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	40500	INTEREST - INVESTMENTS	26,000	400,000	374,000	1438%	105,118	636,016
	TOTAL REVENUE		26,000	400,000	374,000	1438%	105,118	636,016
DIRECT EXPENSES:	50033	CONSULTING SERVICES	3,000	-	(3,000)	-100%	-	875
	50100	STAFF TRAVEL/PARKING	3,000	1,500	(1,500)	-50%	460	2,212
	50110	STAFF CONFERENCE & TRAINING	500	520	20	4%	-	-
	50120	STAFF MEMBERSHIP DUES	-	620	620		-	685
	TOTAL DIRECT EXPENSES		6,500	2,640	(3,860)	-59%	460	3,772
INDIRECT EXPENSES:	51199	SALARY EXPENSE	661,642	714,291	52,649	8%	655,639	498,623
	51299	BENEFITS EXPENSE	205,235	213,253	8,019	4%	194,403	152,452
	51900	OTHER INDIRECT EXPENSE	213,844	208,398	(5,446)	-3%	186,525	145,737
	TOTAL INDIRECT EXPENSES:		1,080,720	1,135,942	55,221	5%	1,036,567	796,812
	TOTAL ALL EXPENSES:		1,087,220	1,138,582	51,361	5%	1,037,027	800,584
	NET INCOME (LOSS):		(1,061,220)	(738,582)	322,639	-30%	(931,909)	(164,569)

**Washington State Bar Association
Budget Comparison**

FOUNDATION
Cost Center
FOUND

FY24 FTE 1.05
FY23 FTE 1.05

	FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:						
TOTAL REVENUE	-	-	-	-	-	-
DIRECT EXPENSES:						
50033 CONSULTING SERVICES	3,000	3,000	-	0%	3,000	3,000
50060 POSTAGE	300	350	50	17%	-	8
50070 PRINTING & COPYING	450	700	250	56%	-	-
50100 STAFF TRAVEL/PARKING	700	900	200	29%	337	-
50110 STAFF CONFERENCE & TRAINING	300	2,300	2,000	667%	-	-
50140 SUPPLIES	150	150	-	0%	75	24
52940 BOARD OF TRUSTEES	750	3,250	2,500	333%	809	103
TOTAL DIRECT EXPENSES	5,650	10,650	5,000	88%	4,221	3,134
INDIRECT EXPENSES:						
51199 SALARY EXPENSE	96,359	100,026	3,667	4%	81,103	71,860
51299 BENEFITS EXPENSE	18,295	18,911	615	3%	15,473	13,072
51900 OTHER INDIRECT EXPENSE	32,493	31,621	(872)	-3%	26,864	21,920
TOTAL INDIRECT EXPENSES:	147,147	150,558	3,410	2%	123,441	106,851
TOTAL ALL EXPENSES:	152,797	161,208	8,410	6%	127,662	109,985
NET INCOME (LOSS):	(152,797)	(161,208)	(8,410)	6%	(127,662)	(109,985)

**Washington State Bar Association
Budget Comparison**

HUMAN RESOURCES

Cost Center **FY24 FTE 4.00**
 HR **FY23 FTE 4.00**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:

TOTAL REVENUE	-	-	-	-	-	-
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DIRECT EXPENSES:

50033	CONSULTING SERVICES	2,000	2,000	-	0%	14,285	-
50100	STAFF TRAVEL/PARKING	700	700	-	0%	419	43
50120	STAFF MEMBERSHIP DUES	800	1,000	200	25%	219	458
50130	SUBSCRIPTIONS	500	1,000	500	100%	423	1,348
54512	STAFF TRAINING- GENERAL	15,000	12,912	(2,088)	-14%	3,826	2,066
54520	RECRUITING AND ADVERTISING	6,600	8,000	1,400	21%	6,178	3,971
54530	PAYROLL PROCESSING	50,000	50,000	-	0%	50,075	36,180
54540	SALARY SURVEYS	1,500	1,500	-	0%	-	-
54590	TRANSFER TO INDIRECT EXPENSE	(77,100)	(77,112)	(12)	0%	(75,425)	(44,066)
TOTAL DIRECT EXPENSES		-	-	-	-	0	-

INDIRECT EXPENSES:

51199	SALARY EXPENSE	380,554	454,865	74,311	20%	295,990	284,625
51299	BENEFITS EXPENSE	120,251	94,928	(25,324)	-21%	104,383	89,928
51925	ALLOWANCE FOR OPEN POSITIONS	(200,000)	(200,000)	-	0%	-	-
51900	OTHER INDIRECT EXPENSE	123,820	120,461	(3,359)	-3%	80,971	84,125
TOTAL INDIRECT EXPENSES:		424,625	470,254	45,628	11%	481,345	458,678

TOTAL ALL EXPENSES:	424,625	470,254	45,628	11%	481,345	458,678
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NET INCOME (LOSS):	(424,625)	(470,254)	(45,628)	11%	(481,345)	(458,678)
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**Washington State Bar Association
Budget Comparison**

LAW CLERK PROGRAM

Cost Center **FY24 FTE 1.23**
CLERK **FY23 FTE 1.23**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	42275	LAW CLERK FEES	185,000	204,000	19,000	10%	194,104	193,833
	42286	LAW CLERK APPLICATION FEES	3,200	3,200	-	0%	3,700	2,800
		TOTAL REVENUE	188,200	207,200	19,000	10%	197,804	196,633
DIRECT EXPENSES:	50015	DEPRECIATION	-	4,675	4,675		-	-
	50100	STAFF TRAVEL/PARKING	-	500	500		-	-
	50130	SUBSCRIPTIONS	250	250	-	0%	250	-
	52245	CHARACTER & FITNESS INVESTI	100	100	-	0%	-	-
	55555	SOFTWARE HOSTING	-	1,210	1,210		-	-
	52255	LAW CLERK BOARD	8,000	8,000	-	0%	-	5,680
	52258	LAW CLERK OUTREACH	550	5,000	4,450	809%	-	-
		TOTAL DIRECT EXPENSES	8,900	19,735	10,835	122%	250	5,680
INDIRECT EXPENSES:	51199	SALARY EXPENSE	82,442	100,677	18,235	22%	72,744	61,140
	51299	BENEFITS EXPENSE	25,330	26,676	1,346	5%	21,617	18,156
	51900	OTHER INDIRECT EXPENSE	30,327	37,042	6,715	22%	24,972	20,439
		TOTAL INDIRECT EXPENSES:	138,099	164,394	26,296	19%	119,334	99,735
		TOTAL ALL EXPENSES:	146,999	184,130	37,131	25%	119,584	105,415
		NET INCOME (LOSS):	41,201	23,070	(18,131)	-44%	78,220	91,218

**Washington State Bar Association
Budget Comparison**

LEGISLATIVE
Cost Center
LEG

FY24 FTE 1.70
FY23 FTE 1.70

	FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:						
TOTAL REVENUE	-	-	-		-	-
DIRECT EXPENSES:						
50100 STAFF TRAVEL/PARKING	3,133	2,500	(633)	-20%	188	124
50110 STAFF CONFERENCE & TRAINING	2,400	2,500	100	4%	-	1,842
50120 STAFF MEMBERSHIP DUES	450	450	-	0%	130	-
50130 SUBSCRIPTIONS	2,000	2,000	-	0%	1,985	1,985
50160 TELEPHONE	-	485	485		-	381
52660 JUD RECOMMEND COMMITTEE	2,250	2,250	-	0%	-	-
54910 RENT - OLYMPIA OFFICE	-	1,500	1,500		-	-
54920 CONTRACT LOBBYIST	15,000	12,500	(2,500)	-17%	10,000	12,500
54940 LEGISLATIVE COMMITTEE	1,250	1,250	-	0%	9	-
54970 BOG LEGISLATIVE COMMITTEE	300	300	-	0%	-	-
TOTAL DIRECT EXPENSES	26,783	25,735	(1,048)	-4%	12,311	16,831
INDIRECT EXPENSES:						
51199 SALARY EXPENSE	147,316	152,783	5,468	4%	115,007	107,440
51299 BENEFITS EXPENSE	42,758	51,586	8,828	21%	52,819	31,265
51900 OTHER INDIRECT EXPENSE	52,607	51,196	(1,411)	-3%	45,783	35,546
TOTAL INDIRECT EXPENSES:	242,681	255,565	12,884	5%	213,608	174,250
TOTAL ALL EXPENSES:	269,464	281,300	11,836	4%	225,920	191,081
NET INCOME (LOSS):	(269,464)	(281,300)	(11,836)	4%	(225,920)	(191,081)

**Washington State Bar Association
Budget Comparison**

LEGAL LUNCHBOX

Cost Center **FY24 FTE 0.43**
 LLB **FY23 FTE 0.43**

	FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:						
41450 SPONSORSHIPS	9,000	9,000	-	0%	9,000	9,000
43400 DIGITAL VIDEO SALES	14,000	20,000	6,000	43%	30,233	21,609
TOTAL REVENUE	23,000	29,000	6,000	26%	46,289	30,609
DIRECT EXPENSES:						
52240 DISABILITY ACCOMMODATIONS	-	2,000	2,000		-	-
53700 SPEAKERS & PROGRAM DEVELOP	1,500	100	(1,400)	-93%	-	551
53730 HONORARIUM	-	1,500	1,500		-	-
55555 ON24 OVERAGE CHARGE	-	4,500	4,500		-	-
55555 INSURANCE REBATE	-	(425)	(425)		-	-
TOTAL DIRECT EXPENSES	1,500	7,675	6,175	412%	-	551
INDIRECT EXPENSES:						
51199 SALARY EXPENSE	27,897	28,998	1,101	4%	23,122	20,532
51299 BENEFITS EXPENSE	10,037	6,134	(3,903)	-39%	10,257	6,715
51900 OTHER INDIRECT EXPENSE	13,183	12,950	(233)	-2%	11,363	8,886
55555 INSURANCE REBATE	-	(4,060)	(4,060)		-	-
TOTAL INDIRECT EXPENSES:	51,117	44,021	(7,095)	-14%	44,742	36,133
TOTAL ALL EXPENSES:	52,617	51,696	(920)	-2%	44,742	36,684
NET INCOME (LOSS):	(29,617)	(22,696)	6,920	-23%	1,547	(6,075)

**Washington State Bar Association
Budget Comparison**

LICENSING & MEMBERSHIP RECORDS

Cost Center FY24 FTE 3.83
LICMR FY23 FTE 3.83

			FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	41100	STATUS CERTIFICATE FEES	27,000	27,000	-	0%	29,548	21,500
	42288	INVESTIGATION FEES	21,000	20,000	(1,000)	-5%	22,300	20,100
	42290	PRO HAC VICE	400,000	400,000	-	0%	400,282	288,082
	45040	MEMBER CONTACT INFORMATION	4,000	3,700	(300)	-8%	3,325	3,464
	45060	PHOTO BAR CARD SALES	200	200	-	0%	240	180
		TOTAL REVENUE	452,200	450,900	(1,300)	0%	455,695	333,326
DIRECT EXPENSES:	50015	DEPRECIATION	1,151	-	(1,151)	-100%	-	-
	50033	CONSULTING SERVICES	4,000	-	-	-	-	-
	50060	POSTAGE	16,500	17,652	1,152	7%	24,352	18,061
	50140	SUPPLIES	-	-	-	-	-	1,750
	55555	SOFTWARE HOSTING	-	15,125	15,125	-	-	-
	55010	LICENSING FORMS	2,000	-	(2,000)	-100%	915	2,401
		TOTAL DIRECT EXPENSES	23,651	32,777	13,126	55%	25,267	22,212
INDIRECT EXPENSES:	51199	SALARY EXPENSE	379,520	401,688	22,168	6%	365,027	296,071
	51299	BENEFITS EXPENSE	124,269	135,989	11,720	9%	118,663	91,865
	51900	OTHER INDIRECT EXPENSE	118,521	115,341	(3,180)	-3%	103,296	80,274
		TOTAL INDIRECT EXPENSES:	622,311	653,019	30,709	5%	586,985	468,210
		TOTAL ALL EXPENSES:	645,962	685,796	43,835	7%	612,252	490,422
		NET INCOME (LOSS):	(193,762)	(234,896)	(45,135)	23%	(156,557)	(157,096)

**Washington State Bar Association
Budget Comparison**

LICENSE FEES
Cost Center
LIC

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	40600	LICENSE FEES	17,053,467	16,692,574	267,032	2%	16,052,304	12,116,411
	40625	LICENSE FEES - NEW ADMITTEES	-	417,925	-		502,089	302,985
	40650	LICENSE FEES - LATE FEES	-	200,000	-		288,180	269,336
	40675	LICENSE FEES - REINSTATEMENTS	-	10,000	-		15,314	13,455
TOTAL REVENUE			17,053,467	17,320,499	267,032	2%	16,857,886	12,702,188
NET INCOME (LOSS):			17,053,467	17,320,499	267,032	2%	16,857,886	12,702,188

**Washington State Bar Association
Budget Comparison**

LIMITED LICENSE LEGAL TECHNICIAN PROGRAM

Cost Center
LLL

FY24 FTE 0.53
FY23 FTE 0.53

			FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	41800	SEMINAR REGISTRATIONS	12,000	2,000	(10,000)	-83%	-	-
	42281	LLLT LICENSE FEES	16,622	18,562	1,940	12%	13,542	10,155
	42291	LLLT LATE LICENSE FEES	1,100	-	(1,100)	-100%	99	133
	45220	MCLE LATE FEES	-	150			-	-
		TOTAL REVENUE	29,722	20,712	(9,160)	-31%	19,041	10,388
DIRECT EXPENSES:	52683	LLLT BOARD	15,000	14,240	(760)	-5%	5,333	3,909
	52689	LLLT EDUCATION	500	-	(500)	-100%	-	-
		TOTAL DIRECT EXPENSES	15,500	14,240	(1,260)	-8%	14,333	3,909
INDIRECT EXPENSES:	51199	SALARY EXPENSE	51,548	51,460	(88)	0%	44,015	37,838
	51299	BENEFITS EXPENSE	17,299	10,179	(7,121)	-41%	14,235	12,175
	51900	OTHER INDIRECT EXPENSE	16,401	15,961	(440)	-3%	12,865	11,256
		TOTAL INDIRECT EXPENSES:	85,248	77,600	(7,648)	-9%	71,114	61,270
		TOTAL ALL EXPENSES:	100,748	91,840	(8,908)	-9%	85,447	65,178
		NET INCOME (LOSS):	(71,026)	(71,128)	(252)	0%	(66,406)	(54,790)

**Washington State Bar Association
Budget Comparison**

LIMITED PRACTICE OFFICERS

Cost Center FY24 FTE 0.78
LPO FY23 FTE 0.68

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	42288	INVESTIGATION FEES	500	200	(300)	-60%	500	500
	45110	LPO EXAMINATION FEES	24,000	22,000	(2,000)	-8%	32,350	24,200
	45115	LPO EXAM LATE FEES	4,300	3,300	(1,000)	-23%	4,600	4,100
	45120	LPO LICENSE FEES	164,750	170,000	5,250	3%	170,168	121,435
	45125	LPO LATE LICENSE FEES	988	2,500	1,512	153%	2,820	2,220
	45140	LPO LICENSE FEES - REINSTATES	550	-	(550)	-100%	230	-
	45220	MCLE LATE FEES	-	4,000	4,000		8,700	4,350
		TOTAL REVENUE	195,088	202,000	6,912	4%	219,368	156,805
DIRECT EXPENSES:	50050	EQUIPMENT, HARDWARE & SOFTWARE	-	1,000	1,000		-	-
	50070	PRINTING & COPYING	250	200	(50)	-20%	123	-
	50110	STAFF CONFERENCE & TRAINING	-	-	-		-	-
	50140	SUPPLIES	-	100	100		72	73
	52210	FACILITY, PARKING, FOOD	9,000	6,300	(2,700)	-30%	4,568	2,168
	52688	EXAM WRITING	9,000	9,000	-	0%	7,663	8,400
	55130	LPO BOARD EXPENSES	1,792	4,000	2,208	123%	-	2,301
	55165	LPO OUTREACH	1,000	1,000	-	0%	-	-
	55555	SOFTWARE HOSTING	-	3,025	3,025		-	-
		TOTAL DIRECT EXPENSES	21,042	24,625	3,583	17%	17,702	12,942
INDIRECT EXPENSES:	51199	SALARY EXPENSE	57,874	69,420	11,546	20%	59,420	43,578
	51299	BENEFITS EXPENSE	20,388	14,447	(5,941)	-29%	19,766	14,398
	51900	OTHER INDIRECT EXPENSE	21,043	23,490	2,447	12%	19,675	14,218
		TOTAL INDIRECT EXPENSES:	99,305	107,357	8,052	8%	98,861	72,194
		TOTAL ALL EXPENSES:	120,347	131,982	11,635	10%	116,563	85,136
		NET INCOME (LOSS):	74,741	70,018	(4,722)	-6%	102,805	71,669

Washington State Bar Association
Budget Comparison

MANDATORY CONTINUING LEGAL EDUCATION

Cost Center FY24 FTE 5.88
MCLE FY23 FTE 4.88

			FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	45210	ACTIVITY APPLICATION FEES	550,000	550,000	-	0%	615,700	512,500
	45215	ACTIVITY APPLICATION FEES	220,000	220,000	-	0%	226,200	197,900
	45220	MCLE LATE FEES	190,000	190,000	-	0%	422,350	231,650
	45230	ANNUAL ACCREDITED SPONSOR FEES	38,250	36,000	(2,250)	-6%	34,500	38,750
	45250	ATTENDANCE LATE FEES	98,000	90,000	(8,000)	-8%	119,450	100,900
	45255	COMITY CERTIFICATES - REQUEST	14,000	13,800	(200)	-1%	16,825	12,125
	45260	COMITY CERTIFICATES - SUBMIT	15,000	14,000	(1,000)	-7%	29,325	17,425
		TOTAL REVENUE	1,125,250	1,113,800	(11,450)	-1%	1,464,350	1,111,250
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	50	50	-	0%	-	-
	50110	STAFF CONFERENCE & TRAINING	4,900	4,000	(900)	-18%	100	250
	50120	STAFF MEMBERSHIP DUES	500	500	-	0%	500	500
	55210	MCLE BOARD EXPENSES	2,000	5,000	3,000	150%	-	-
	55220	DEPRECIATION-SOFTWARE	59,565	130,449	70,884	119%	24,455	6,443
	54380	ONLINE LEGAL RESEARCH	-	-	-	-	1,908	-
	54390	LAW LIBRARY	-	-	-	-	138	-
		TOTAL DIRECT EXPENSES	67,015	139,999	72,984	109%	27,102	7,193
INDIRECT EXPENSES:	51199	SALARY EXPENSE	437,860	454,500	16,640	4%	409,522	369,481
	51299	BENEFITS EXPENSE	125,455	144,327	18,872	15%	118,014	92,488
	51900	OTHER INDIRECT EXPENSE	151,014	177,078	26,064	17%	131,306	102,490
		TOTAL INDIRECT EXPENSES:	714,329	775,905	61,576	9%	658,842	564,459
		TOTAL ALL EXPENSES:	781,344	915,904	134,560	17%	685,944	571,652
		NET INCOME (LOSS):	343,906	197,896	(146,010)	-42%	778,406	539,597

**Washington State Bar Association
Budget Comparison**

MEMBER WELLNESS PROGRAM

Cost Center FY24 FTE 1.48
MWP FY23 FTE 1.48

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	40205	DIVERSION	7,500	7,500	-	0%	9,375	6,000
	TOTAL REVENUE		7,500	7,500	-	0%	9,375	6,000
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	-	400	400		-	-
	50110	STAFF CONFERENCE & TRAINING	300	312	12	4%	165	401
	50120	STAFF MEMBERSHIP DUES	500	700	200	40%	226	226
	50130	SUBSCRIPTIONS	1,200	1,200	-	0%	1,100	962
	54760	PROF LIAB INSURANCE	-	-	-		825	-
	54514	WSBA CONNECTS	-	-	-		8,110	-
	54715	MEMBER WELLNESS COUNCIL	550	1,000	450	82%	-	-
	TOTAL DIRECT EXPENSES		2,550	3,612	1,062	42%	10,426	1,589
INDIRECT EXPENSES:	51199	SALARY EXPENSE	133,673	133,585	(87)	0%	84,689	85,522
	51299	BENEFITS EXPENSE	55,402	52,139	(3,263)	-6%	51,826	40,268
	51900	OTHER INDIRECT EXPENSE	45,645	44,571	(1,074)	-2%	39,729	31,102
	TOTAL INDIRECT EXPENSES:		234,719	230,294	(4,424)	-2%	176,244	156,892
	TOTAL ALL EXPENSES:		237,269	233,906	(3,362)	-1%	186,670	158,481
	NET INCOME (LOSS):		(229,769)	(226,406)	3,362	-1%	(177,295)	(152,481)

**Washington State Bar Association
Budget Comparison**

MEMBER SERVICES & ENGAGEMENT

Cost Center FY24 FTE 2.45
MSE FY23 FTE 2.51

			FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	40900	ROYALTIES	10,800	10,800	-	0%	13,200	11,938
	41450	SPONSORSHIPS	1,000	-	(1,000)	-100%	-	-
		TOTAL REVENUE	11,800	10,800	(1,000)	-8%	13,200	11,938
DIRECT EXPENSES:	50070	PRINTING & COPYING	1,200	1,300	100	8%	-	1,300
	50085	YLL SECTION PROGRAM	1,500	1,500	-	0%	550	545
	50095	CLE COMPS	1,000	1,000	-	0%	159	-
	50100	STAFF TRAVEL/PARKING	1,700	2,500	800	47%	206	189
	50110	STAFF CONFERENCE & TRAINING	250	250	-	0%	-	164
	50120	STAFF MEMBERSHIP DUES	850	845	(5)	-1%	649	300
	54610	LIBRARY MATERIALS/RESOURCES	4,000	4,000	-	0%	1,712	184
	55266	NEW LAWYER OUTREACH EVENTS	1,500	1,500	-	0%	891	250
	55270	NEW LAWYERS COMMITTEE	12,000	13,500	1,500	13%	2,003	1,178
	55285	OPEN SECTIONS NIGHT	3,500	-	(3,500)	-100%	-	-
	55555	MEMBER ENGAGEMENT COUNCIL SMALL TOWN AND RURAL COMMITTEE	-	1,000	1,000	-	-	-
	55555	OUTREACH AND ACTIVITIES SMALL TOWN AND RURAL COMMITTEE	-	55,000	55,000	-	-	-
	55980	SMALL TOWN AND RURAL COMMITTEE	3,700	5,000	1,300	35%	-	2,659
	58450	RECEPTION/FORUM EXPENSE	2,300	1,000	(1,300)	-57%	95	-
	58500	NEW LAWYER OUTREACH	1,000	1,000	-	0%	-	-
	58525	SCHOLARSHIPS/DONATIONS/GRANT	5,000	5,000	-	0%	-	-
		TOTAL DIRECT EXPENSES	39,500	94,395	54,895	139%	6,265	6,769
INDIRECT EXPENSES:	51199	SALARY EXPENSE	165,522	167,808	2,287	1%	232,972	123,037
	51299	BENEFITS EXPENSE	59,907	54,786	(5,121)	-9%	76,065	43,796
	51900	OTHER INDIRECT EXPENSE	77,549	73,782	(3,767)	-5%	93,079	52,726
		TOTAL INDIRECT EXPENSES:	302,978	296,376	(6,601)	-2%	402,117	219,559
		TOTAL ALL EXPENSES:	342,478	390,771	48,294	14%	408,382	226,328
		NET INCOME (LOSS):	(330,678)	(379,971)	(49,294)	15%	(395,182)	(214,390)

Washington State Bar Association
Budget Comparison

MINI CLE
Cost Center
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FY24 FTE 0.92
FY23 FTE 0.92

	FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
INDIRECT EXPENSES:						
51199 SALARY EXPENSE	64,627	66,852	2,225	3%	52,466	48,475
51299 BENEFITS EXPENSE	21,315	15,791	(5,524)	-26%	22,322	15,125
51900 OTHER INDIRECT EXPENSE	28,470	27,706	(764)	-3%	24,594	19,254
TOTAL INDIRECT EXPENSES:	114,412	110,349	(4,063)	-4%	99,382	82,854
NET INCOME (LOSS):	(114,412)	(110,349)	4,063	-4%	(99,382)	(82,854)

**Washington State Bar Association
Budget Comparison**

NEW MEMBER EDUCATION

Cost Center **FY24 FTE 0.84**
 NME **FY23 FTE 0.78**

			FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	40950	NMP PRODUCT SALES	65,000	40,000	(25,000)	-38%	39,844	19,709
	41800	SEMINAR REGISTRATIONS	8,000	15,000	7,000	88%	-	62,221
	47100	TRIAL ADVOCACY PROGRAM	12,000	12,000	-	0%	6,071	15,928
		TOTAL REVENUE	85,000	67,000	(18,000)	-21%	45,915	97,858
DIRECT EXPENSES:	55265	SPEAKERS & PROGRAM DEVELOPMENT	100	250	150	150%	-	-
	57320	TRIAL ADVOCACY EXPENSES	1,500	1,500	-	0%	-	-
		TOTAL DIRECT EXPENSES	1,600	1,750	150	9%	-	-
INDIRECT EXPENSES:	51199	SALARY EXPENSE	53,555	59,225	5,670	11%	46,244	40,160
	51299	BENEFITS EXPENSE	17,577	12,866	(4,711)	-27%	18,340	12,239
	51900	OTHER INDIRECT EXPENSE	24,137	25,297	1,159	5%	21,189	16,292
		TOTAL INDIRECT EXPENSES:	95,269	97,387	2,119	2%	85,773	68,690
		TOTAL ALL EXPENSES:	96,869	99,137	2,269	2%	85,773	68,690
		NET INCOME (LOSS):	(11,869)	(32,137)	(20,269)	171%	(39,858)	29,168

**Washington State Bar Association
Budget Comparison**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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OFFICE OF GENERAL COUNSEL

Cost Center **FY24 FTE 6.07**
OGC **FY23 FTE 6.17**

REVENUE:	40210	RECORDS REQUEST FEES	963	-	(963)	-100%	1,126	-
	TOTAL REVENUE		963	-	(963)	-100%	1,126	-
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	500	-	(500)	-100%	262	28
	50110	STAFF CONFERENCE & TRAINING	6,400	6,656	256	4%	1,687	2,377
	50120	STAFF MEMBERSHIP DUES	1,150	2,868	1,718	149%	254	1,250
	50135	TRANSCRIPTION SERVICES	-	2,100	2,100		-	-
	52240	DISABILITY ACCOMMODATIONS	-	6,000	6,000		455	216
	54360	LITIGATION EXPENSES	200	200	-	0%	146	-
	55419	COURT RULES COMMITTEE	1,000	1,000	-	0%	0	-
	55615	WILLS	2,000	2,000	-	0%	-	-
	55620	CUSTODIANSHIP	8,150	5,000	(3,150)	-39%	245	199
	TOTAL DIRECT EXPENSES		19,400	25,824	6,424	33%	16,377	4,070
INDIRECT EXPENSES:	51199	SALARY EXPENSE	656,837	675,398	18,561	3%	610,191	421,990
	51299	BENEFITS EXPENSE	188,816	194,029	5,213	3%	184,318	140,710
	51900	OTHER INDIRECT EXPENSE	192,481	182,800	(9,681)	-5%	164,213	130,334
	TOTAL INDIRECT EXPENSES:		1,038,134	1,052,227	14,092	1%	958,722	693,034
	TOTAL ALL EXPENSES:		1,057,534	1,078,051	20,516	2%	975,098	697,104
	NET INCOME (LOSS):		(1,056,571)	(1,078,051)	(21,479)	2%	(973,973)	(697,104)

OFFICE OF THE EXECUTIVE DIRECTOR

Cost Center FY24 FTE 3.20
 OED FY23 FTE 2.00

Washington State Bar Association Budget Comparison					
FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD

REVENUE:								
TOTAL REVENUE		-	-	-	-	-	-	
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	1,500	4,450	2,950	197%	628	1,620
	50110	STAFF CONFERENCE & TRAINING	8,925	9,282	357	4%	4,564	7,651
	50120	STAFF MEMBERSHIP DUES	1,000	1,890	890	89%	1,346	1,375
	54390	LAW LIBRARY	-	-	-		138	-
	50145	SURVEYS	350	-	(350)	-100%	331	681
	52125	LEADERSHIP TRAINING	20,000	15,000	(5,000)	-25%	-	6,160
	52585	WASHINGTON LEADERSHIP INSTITUTE	80,000	80,000	-	0%	44,764	-
	52590	BAR LEADERS CONFERENCE	12,000	-	(12,000)	-100%	-	8,497
	52840	ED TRAVEL & OUTREACH	5,000	4,000	(1,000)	-20%	1,529	1,358
TOTAL DIRECT EXPENSES			128,775	114,622	(14,153)	-11%	53,301	27,341
INDIRECT EXPENSES:	51199	SALARY EXPENSE	402,379	491,121	88,742	22%	314,330	294,747
	51299	BENEFITS EXPENSE	103,989	124,183	20,195	19%	89,784	77,074
	51900	OTHER INDIRECT EXPENSE	61,891	87,334	25,443	41%	54,095	42,062
TOTAL INDIRECT EXPENSES:			568,259	702,639	134,380	24%	458,209	413,883
TOTAL ALL EXPENSES:			697,034	817,261	120,227	17%	511,510	441,225
NET INCOME (LOSS):			(697,034)	(817,261)	(120,227)	17%	(511,510)	(441,225)

**Washington State Bar Association
Budget Comparison**

OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD

Cost Center FY24 FTE 1.40
OGCDB FY23 FTE 1.40

	FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:						
TOTAL REVENUE	-	-	-	-	-	-
DIRECT EXPENSES:						
50120 STAFF MEMBERSHIP DUES	100	100	-	0%	-	-
54310 COURT REPORTERS	-	500	500		572	-
55310 DISCIPLINARY BOARD EXPENSES	4,000	4,000	-	0%	1	-
55320 CHIEF HEARING OFFICER	30,000	40,000	10,000	33%	30,000	22,500
55330 HEARING OFFICER EXPENSES	17,500	4,000	(13,500)	-77%	2,763	891
55340 HEARING OFFICER TRAINING	400	400	-	0%	-	-
55370 OUTSIDE COUNSEL	51,500	48,000	(3,500)	-7%	48,000	36,000
55380 DISCIPLINARY SELECTION PANEL	-	1,000	1,000		-	-
54390 LAW LIBRARY	-	-	-		836	-
TOTAL DIRECT EXPENSES	103,500	98,000	(5,500)	-5%	82,171	59,391
INDIRECT EXPENSES:						
51199 SALARY EXPENSE	133,790	136,708	2,918	2%	109,680	101,578
51299 BENEFITS EXPENSE	40,026	38,872	(1,154)	-3%	31,616	29,150
51900 OTHER INDIRECT EXPENSE	43,324	42,161	(1,162)	-3%	35,189	29,325
TOTAL INDIRECT EXPENSES:	217,139	217,741	602	0%	176,484	160,054
TOTAL ALL EXPENSES:	320,639	315,741	(4,898)	-2%	258,656	219,445
NET INCOME (LOSS):	(320,639)	(315,741)	4,898	-2%	(258,656)	(219,445)

**Washington State Bar Association
Budget Comparison**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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PRACTICE OF LAW BOARD

Cost Center **FY24 FTE 0.55**
 PLB **FY23 FTE 0.45**

REVENUE:

TOTAL REVENUE		-	-	-	-	-	-
DIRECT EXPENSES:	55510 PRACTICE OF LAW BOARD	12,000	12,000	-	0%	-	2,220
TOTAL DIRECT EXPENSES		12,000	12,000	-	0%	-	2,220
INDIRECT EXPENSES:	51199 SALARY EXPENSE	35,965	47,419	11,454	32%	45,270	26,876
	51299 BENEFITS EXPENSE	13,465	12,578	(887)	-7%	12,250	9,240
	51900 OTHER INDIRECT EXPENSE	13,925	16,563	2,638	19%	12,865	9,775
TOTAL INDIRECT EXPENSES:		63,355	76,560	13,206	21%	70,384	45,891
TOTAL ALL EXPENSES:		75,355	88,560	13,206	18%	70,384	48,111
NET INCOME (LOSS):		(75,355)	(88,560)	(13,206)	18%	(70,384)	(48,111)

**Washington State Bar Association
Budget Comparison**

PRACTICE MANAGEMENT ASSISTANCE

Cost Center **FY24 FTE 0.95**
PMA **FY23 FTE 0.95**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	40900	ROYALTIES	50,000	62,000	12,000	24%	62,097	50,166
	TOTAL REVENUE		50,000	62,000	12,000	24%	62,097	50,166
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	-	350	350		-	-
	50110	STAFF CONFERENCE & TRAINING	500	260	(240)	-48%	-	500
	50120	STAFF MEMBERSHIP DUES	150	150	-	0%	-	150
	50130	SUBSCRIPTIONS	-	-	-		132	-
	55250	CASEMAKER/FASTCASE	73,000	75,000	2,000	3%	75,064	72,966
	TOTAL DIRECT EXPENSES		73,650	75,760	2,110	3%	75,196	73,616
INDIRECT EXPENSES:	51199	SALARY EXPENSE	80,135	83,329	3,193	4%	-	59,769
	51299	BENEFITS EXPENSE	23,499	25,600	2,101	9%	-	16,901
	51900	OTHER INDIRECT EXPENSE	29,398	28,609	(789)	-3%	-	19,846
	TOTAL INDIRECT EXPENSES:		133,033	137,538	4,505	3%	-	96,516
	TOTAL ALL EXPENSES:		206,683	213,298	6,615	3%	75,196	170,133
	NET INCOME (LOSS):		(156,683)	(151,298)	5,385	-3%	(13,099)	(119,967)

**Washington State Bar Association
Budget Comparison**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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PROFESSIONAL RESPONSIBILITY PROGRAM

Cost Center FY24 FTE 1.10
PRP FY23 FTE 1.10

REVENUE:								
TOTAL REVENUE			-	-	-	-	-	
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	750	1,500	750	100%	211	1,075
	50120	STAFF MEMBERSHIP DUES	500	500	-	0%	-	500
	55610	CPE COMMITTEE	1,000	1,000	-	0%	-	890
	54390	LAW LIBRARY	-	-	-		559	-
TOTAL DIRECT EXPENSES			2,250	3,000	750	33%	770	2,465
INDIRECT EXPENSES:	51199	SALARY EXPENSE	91,667	138,408	46,741	51%	155,587	102,559
	51299	BENEFITS EXPENSE	37,219	65,055	27,836	75%	59,507	42,124
	51900	OTHER INDIRECT EXPENSE	22,435	33,127	10,691	48%	43,123	23,105
TOTAL INDIRECT EXPENSES:			151,321	236,590	85,269	56%	258,216	167,788
TOTAL ALL EXPENSES:			153,571	239,590	86,019	56%	258,987	170,253
NET INCOME (LOSS):			(153,571)	(239,590)	(86,019)	56%	(258,987)	(170,253)

**Washington State Bar Association
Budget Comparison**

PUBLIC SERVICE PROGRAMS
 Cost Center FY24 FTE 1.62
 PSP FY23 FTE 1.62

			FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	40300	DONATIONS & GRANTS	130,000	130,000	-	0%	130,000	130,000
		TOTAL REVENUE	130,000	130,000	-	0%	130,000	130,000
DIRECT EXPENSES:	50037	DONATIONS/SPONSORSHIPS/GRANTS	260,828	292,309	31,481	12%	248,960	97,237
	50100	STAFF TRAVEL/PARKING	1,500	500	(1,000)	-67%	188	19
	50110	STAFF CONFERENCE & TRAINING	1,000	-	(1,000)	-100%	-	-
	50145	SURVEYS	100	100	-	0%	-	-
	52110	PRO BONO & LEGAL AID COMMITTEE	1,500	2,500	1,000	67%	126	507
	54130	PRO BONO CERTIFICATES	2,000	2,000	-	0%	1,655	457
		TOTAL DIRECT EXPENSES	266,928	297,409	30,481	11%	250,929	98,219
INDIRECT EXPENSES:	51199	SALARY EXPENSE	128,588	128,379	(209)	0%	79,567	78,568
	51299	BENEFITS EXPENSE	40,609	53,314	12,704	31%	32,783	29,507
	51900	OTHER INDIRECT EXPENSE	50,132	48,787	(1,345)	-3%	35,189	34,065
		TOTAL INDIRECT EXPENSES:	219,329	230,480	11,151	5%	147,539	142,140
		TOTAL ALL EXPENSES:	486,257	527,889	41,632	9%	398,468	240,359
		NET INCOME (LOSS):	(356,257)	(397,889)	(41,632)	12%	(268,468)	(110,359)

**Washington State Bar Association
Budget Comparison**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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PUBLICATION & DESIGN SERVICES

Cost Center FY24 FTE 0.89
PUB FY23 FTE 0.89

REVENUE:							
TOTAL REVENUE		-	-	-	-	-	-
DIRECT EXPENSES:	50110	STAFF CONFERENCE & TRAINING	350	-	(350)	-100%	-
	50130	SUBSCRIPTIONS	162	200	38	23%	100
	54026	IMAGE LIBRARY	4,100	4,100	-	0%	4,100
TOTAL DIRECT EXPENSES			4,612	4,300	(312)	-7%	4,200
INDIRECT EXPENSES:	51199	SALARY EXPENSE	72,143	72,960	817	1%	64,015
	51299	BENEFITS EXPENSE	19,491	19,323	(168)	-1%	18,840
	51900	OTHER INDIRECT EXPENSE	27,542	26,803	(739)	-3%	23,837
TOTAL INDIRECT EXPENSES:			119,175	119,085	(90)	0%	106,692
TOTAL ALL EXPENSES:			123,787	123,385	(402)	0%	110,892
NET INCOME (LOSS):			(123,787)	(123,385)	402	0%	(110,892)

**Washington State Bar Association
Budget Comparison**

REGULATORY SERVICES FTE

Cost Center **FY24 FTE 2.60**
RSD FTE **FY23 FTE 2.70**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:

TOTAL REVENUE		-	-	-	-	-	-	
50100	STAFF TRAVEL/PARKING	-	650			-	168	
50110	STAFF CONFERENCE & TRAINING	23,550	19,500	(4,050)	-17%	-	5,865	
TOTAL DIRECT EXPENSES		23,550	20,150	(4,050)	-17%	-	6,033	
INDIRECT EXPENSES:	51199	SALARY EXPENSE	349,467	357,120	7,653	2%	318,261	263,297
	51299	BENEFITS EXPENSE	103,888	85,375	(18,513)	-18%	100,039	76,909
	51900	OTHER INDIRECT EXPENSE	83,553	78,300	(5,253)	-6%	74,918	56,577
TOTAL INDIRECT EXPENSES:		536,908	520,795	(16,113)	-3%	493,218	396,783	
TOTAL ALL EXPENSES:		560,458	540,945	(20,163)	-4%	493,218	402,816	
NET INCOME (LOSS):		(560,458)	(540,945)	20,163	-4%	(493,218)	(402,816)	

**Washington State Bar Association
Budget Comparison**

SECTIONS ADMINISTRATION

Cost Center FY24 FTE 2.58
SECT FY23 FTE 2.58

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	48010	REIMBURSEMENTS FROM SECTIONS	290,543	297,786	7,243	2%	273,426	355,066
	TOTAL REVENUE		290,543	297,786	7,243	2%	273,426	355,066
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	750	1,000	250	33%	209	14
	50110	STAFF CONFERENCE & TRAINING	500	500	-	0%	-	65
	50120	STAFF MEMBERSHIP DUES	250	200	(50)	-20%	-	45
	50130	SUBSCRIPTIONS	350	350	-	0%	331	331
	52540	SECTION/COMMITTEE CHAIR MTGS	1,000	1,000	-	0%	-	456
	58010	DUES STATEMENTS	5,000	-	(5,000)	-100%	4,593	-
	TOTAL DIRECT EXPENSES		7,850	3,050	(4,800)	-61%	5,133	911
INDIRECT EXPENSES:	51199	SALARY EXPENSE	149,581	159,053	9,472	6%	137,704	112,917
	51299	BENEFITS EXPENSE	61,326	60,688	(638)	-1%	58,748	44,725
	51900	OTHER INDIRECT EXPENSE	79,839	77,697	(2,142)	-3%	69,620	54,207
	TOTAL INDIRECT EXPENSES:		290,746	297,439	6,693	2%	266,072	211,850
	TOTAL ALL EXPENSES:		298,596	300,489	1,893	1%	271,205	212,760
	NET INCOME (LOSS):		(8,053)	(2,703)	5,350	-66%	2,221	142,306

**Washington State Bar Association
Budget Comparison**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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SERVICE CENTER

Cost Center
SC

FY24 FTE 5.78
FY23 FTE 5.71

REVENUE:							
TOTAL REVENUE			-	-	-	-	-
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	-	2,376		-	1,980
	50110	STAFF CONFERENCE & TRAINING	2,100	2,184	84	4%	46
	54400	TRANSLATION SERVICES	8,200	-	(8,200)	-100%	6,790
TOTAL DIRECT EXPENSES			10,300	4,560	(8,116)	-79%	7,016
INDIRECT EXPENSES:	51199	SALARY EXPENSE	383,690	394,527	10,837	3%	359,931
	51299	BENEFITS EXPENSE	142,992	160,465	17,473	12%	135,002
	51900	OTHER INDIRECT EXPENSE	176,699	174,066	(2,633)	-1%	153,997
TOTAL INDIRECT EXPENSES:			703,381	729,058	25,677	4%	648,930
TOTAL ALL EXPENSES:			713,681	733,618	17,561	2%	655,946
NET INCOME (LOSS):			(713,681)	(733,618)	(17,561)	2%	(655,946)

**Washington State Bar Association
Budget Comparison**

TECHNOLOGY
Cost Center
TECH

FY24 FTE 13.00
FY23 FTE 13.00

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:

TOTAL REVENUE	-	-	-	-	-
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DIRECT EXPENSES:

50033	CONSULTING SERVICES	110,000	115,000	5,000	5%	66,944	94,214
50100	STAFF TRAVEL/PARKING	2,000	1,000	(1,000)	-50%	2,077	350
50110	STAFF CONFERENCE & TRAINING	10,000	8,000	(2,000)	-20%	-	-
50120	STAFF MEMBERSHIP DUES	450	200	(250)	-56%	-	-
50160	TELEPHONE	95,000	95,000	-	0%	81,303	65,196
55555	CLOUD INFRASTRUCTURE	-	130,000	130,000	-	-	-
56100	COMPUTER HARDWARE	65,000	65,000	-	0%	67,315	59,535
56150	COMPUTER SOFTWARE	316,525	320,000	3,475	1%	184,289	168,752
56225	HARDWARE SERVICE & WARRANTIES	60,000	45,000	(15,000)	-25%	49,719	44,432
56230	SOFTWARE MAINT & LICENSING	380,000	345,000	(35,000)	-9%	375,274	299,331
56500	COMPUTER SUPPLIES	2,000	-	(2,000)	-100%	3,103	-
56550	THIRD PARTY SERVICES	40,000	10,000	(30,000)	-75%	22,446	31,419
56900	TRANSFER TO INDIRECT EXPENSES	(1,080,975)	(1,134,200)	(53,225)	5%	(852,470)	(754,362)
TOTAL DIRECT EXPENSES		-	-	-	-	0	8,868

INDIRECT EXPENSES:

51199	SALARY EXPENSE	1,434,416	1,434,388	(29)	0%	1,277,147	1,055,600
51299	BENEFITS EXPENSE	439,894	478,236	38,342	9%	391,726	328,103
51955	CAPITAL LABOR & OVERHEAD	(280,000)	(210,000)	70,000	-25%	(267,632)	(208,805)
51900	OTHER INDIRECT EXPENSE	402,292	391,498	(10,793)	-3%	350,372	272,813
TOTAL INDIRECT EXPENSES:		1,996,602	2,094,122	97,520	5%	1,751,613	1,447,710

TOTAL ALL EXPENSES:	1,996,602	2,094,122	97,520	5%	1,751,613	1,456,578
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NET INCOME (LOSS):	(1,996,602)	(2,094,122)	(97,520)	5%	(1,751,613)	(1,456,578)
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**Washington State Bar Association
Budget Comparison**

VOLUNTEER ENGAGEMENT

Cost Center **FY24 FTE 0.60**
 VE **FY23 FTE 0.60**

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:

TOTAL REVENUE	-	-	-	-	-
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DIRECT EXPENSES:

50015	DEPRECIATION	-	-	-	-	-	-
50110	STAFF CONFERENCE & TRAINING	2,500	2,600	100	4%	1,090	2,450
50120	STAFF MEMBERSHIP DUES	350	450	100	29%	856	498
50130	SUBSCRIPTIONS	-	750	750		-	-
52520	ABA DELEGATES	15,000	14,000	(1,000)	-7%	5,828	4,324
TOTAL DIRECT EXPENSES		17,850	17,800	(50)	0%	7,773	7,272

INDIRECT EXPENSES:

51199	SALARY EXPENSE	59,415	60,485	1,071	2%	56,934	46,878
51299	BENEFITS EXPENSE	19,657	17,637	(2,020)	-10%	19,270	13,867
51900	OTHER INDIRECT EXPENSE	18,567	18,069	(498)	-3%	15,903	12,737
TOTAL INDIRECT EXPENSES:		97,639	96,192	(1,448)	-1%	92,108	73,482

TOTAL ALL EXPENSES:	115,489	113,992	(1,498)	-1%	99,881	80,754
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NET INCOME (LOSS):	(115,489)	(113,992)	1,498	-1%	(99,881)	(80,754)
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ATTACHMENT B

**Washington State Bar Association
Budget Comparison**

CLE - PRODUCTS

Cost Center FY24 FTE 1.29
CLEP FY23 FTE 1.30

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	41000	SHIPPING & HANDLING	100	300	200	200%	225	108
	43200	COURSEBOOK SALES	7,000	10,000	3,000	43%	1,790	815
	43400	DIGITAL VIDEO SALES	910,000	900,000	(10,000)	-1%	1,204,159	726,054
	43350	MP3 SALES	-	-	-		96,632	-
		TOTAL REVENUE	917,100	910,300	(6,800)	-1%	1,302,806	726,977
DIRECT EXPENSES:	50110	STAFF CONFERENCE & TRAINING	300	312	12	4%	-	-
	50120	STAFF MEMBERSHIP DUES	200	-	(200)	-100%	-	-
	52240	DISABILITY ACCOMMODATIONS	2,000	2,000	-	0%	-	-
	53220	COST OF SALES - COURSEBOOKS	690	1,100	410	59%	141	92
	53250	A/V DEVELOP COSTS (RECORDING)	1,250	-	(1,250)	-100%	-	-
	53255	CLE-EQUIP-DEPRECIATION	1,309	2,040	731	56%	1,312	2,512
	53285	ONLINE PRODUCT HOSTING EXPENSES	53,000	53,000	-	0%	51,091	36,161
	53330	POSTAGE & DELIVRY-COURSEBOOKS	-	500	500		173	34
		TOTAL DIRECT EXPENSES	58,749	58,952	203	0%	52,716	38,798
INDIRECT EXPENSES:	51199	SALARY EXPENSE	93,769	95,891	2,122	2%	84,503	60,688
	51299	BENEFITS EXPENSE	36,718	29,801	(6,917)	-19%	34,904	26,490
	51900	OTHER INDIRECT EXPENSE	41,778	38,849	(2,929)	-7%	35,189	27,050
		TOTAL INDIRECT EXPENSES:	172,265	164,541	(7,724)	-4%	154,596	114,229
		TOTAL ALL EXPENSES:	231,014	223,493	(7,521)	-3%	207,313	153,027
		NET INCOME (LOSS):	686,086	686,807	721	0%	1,095,493	573,950

**Washington State Bar Association
Budget Comparison**

CLE - SEMINARS

Cost Center **FY24 FTE 6.60**
 CLES **FY23 FTE 6.83**

			FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	41800	SEMINAR REGISTRATIONS	850,000	825,000	(25,000)	-3%	633,144	494,108
	41825	SEMINAR REVENUE-OTHER	20,000	20,000	-	0%	12,000	20,970
	41850	SEMINAR SPLITS W/ CLE	(133,375)	(150,000)	(16,625)	12%	(261,469)	-
		TOTAL REVENUE	736,625	695,000	(41,625)	-6%	383,675	515,078
DIRECT EXPENSES:	50100	STAFF TRAVEL/PARKING	15,000	15,000	-	0%	9,428	7,217
	50110	STAFF CONFERENCE & TRAINING	2,370	2,465	95	4%	-	-
	50120	STAFF MEMBERSHIP DUES	1,500	1,000	(500)	-33%	1,145	902
	50140	SUPPLIES	-	500	500	-	-	-
	52240	DISABILITY ACCOMMODATIONS	2,000	5,000	3,000	150%	-	-
	53610	COURSEBOOK PRODUCTION	1,000	500	(500)	-50%	-	-
	53620	POSTAGE - FLIERS/CATALOGS	5,000	-	(5,000)	-100%	149	-
	53640	ACCREDITATION FEES	3,000	3,000	-	0%	1,788	2,628
	53660	SEMINAR BROCHURES	20,000	-	(20,000)	-100%	-	-
	53690	FACILITIES	165,200	160,500	(4,700)	-3%	71,651	53,898
	53700	SPEAKERS & PROGRAM DEVELOP	32,000	45,000	13,000	41%	13,690	18,100
	53730	HONORARIUM	1,200	3,000	1,800	150%	3,000	-
	53740	CLE SEMINAR COMMITTEE	200	200	-	0%	-	-
		TOTAL DIRECT EXPENSES	248,470	236,165	(12,305)	-5%	100,850	82,745
INDIRECT EXPENSES:	51199	SALARY EXPENSE	502,652	487,487	(15,166)	-3%	487,740	385,926
	51299	BENEFITS EXPENSE	183,351	158,182	(25,168)	-14%	184,581	135,690
	51900	OTHER INDIRECT EXPENSE	221,267	198,761	(22,506)	-10%	183,888	143,367
		TOTAL INDIRECT EXPENSES:	907,270	844,430	(62,841)	-7%	856,210	664,983
		TOTAL ALL EXPENSES:	1,155,740	1,080,594	(75,146)	-7%	957,060	747,729
		NET INCOME (LOSS):	(419,115)	(385,594)	33,521	-8%	(573,385)	(232,650)

DESKBOOKSCost Center
DESKFY24 FTE 1.65
FY23 FTE 1.50**Washington State Bar Association
Budget Comparison**

			FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REVENUE:	43100	DESKBOOK SALES (LEXISNEXIS PRINT)	150,000	30,000	(120,000)	-80%	20,218	31,198
	43450	SECTION PUBLICATION SALES	6,000	1,500	(4,500)	-75%	1,863	1,850
	43455	LEXIS/NEXIS ROYALTIES	35,000	75,000	40,000	114%	63,653	27,650
	43525	CASEMAKER ROYALTIES	50,000	30,000	(20,000)	-40%	28,934	24,169
		TOTAL REVENUE	241,000	136,500	(104,500)	-43%	114,668	84,867
DIRECT EXPENSES:	50110	STAFF CONFERENCE & TRAINING	1,000	-	(1,000)	-100%	-	-
	50120	STAFF MEMBERSHIP DUES	225	225	-	0%	221	256
	50130	SUBSCRIPTIONS	-	50	50		-	39
	53210	COST OF SALES - DESKBOOKS	65,000	4,000	(61,000)	-94%	29,719	4,966
	53225	COST OF SALES - SECTION PUBLIC	1,500	500	(1,000)	-67%	2,437	832
	53260	OBSOLETE INVENTORY	-	21,000	21,000		-	-
	53265	SPLITS TO SECTIONS	300	300	-	0%	356	320
	53270	DESKBOOK ROYALTIES	300	300	-	0%	310	92
	53320	POSTAGE & DELIVRY-COURSEBOOKS	-	-	-		-	90
	54380	ONLINE LEGAL RESEARCH	-	-	-		1,908	-
		TOTAL DIRECT EXPENSES	68,325	26,375	(41,950)	-61%	34,951	6,594
INDIRECT EXPENSES:	51199	SALARY EXPENSE	132,287	155,883	23,595	18%	127,561	100,588
	51299	BENEFITS EXPENSE	41,948	48,424	6,476	15%	40,522	30,481
	51900	OTHER INDIRECT EXPENSE	48,175	49,690	1,515	3%	40,486	31,399
		TOTAL INDIRECT EXPENSES:	222,410	253,996	31,586	14%	208,568	162,467
		TOTAL ALL EXPENSES:	290,735	280,371	(10,364)	-4%	243,519	169,061
		NET INCOME (LOSS):	(49,735)	(143,871)	(94,136)	189%	(128,851)	(84,194)

ATTACHMENT C

**Washington State Bar Association
Budget Comparison**

CLIENT PROTECTION FUND

Cost Center **FY24 FTE** 1.23
 CPF **FY23 FTE** 1.23

FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
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REVENUE:	40500	INTEREST - INVESTMENTS	-	60,000	60,000		35,955	176,710
	44820	CPF RESTITUTION	40,000	10,000	(30,000)	-75%	8,906	7,045
	44840	CPF MEMBER ASSESSMENTS	690,000	525,930	(164,070)	-24%	704,366	703,930
		TOTAL REVENUE	730,000	595,930	(134,070)	-18%	749,227	887,686
DIRECT EXPENSES:	50020	BANK FEES	2,100	3,000	900	43%	2,145	1,898
	50120	STAFF MEMBERSHIP DUES	200	200	-	0%	-	-
	54810	GIFTS TO INJURED CLIENTS	500,000	500,000	-	0%	566,947	82,963
	54820	CPF BOARD	-	2,000	2,000		390	781
		TOTAL DIRECT EXPENSES	502,300	505,200	2,900	1%	569,482	85,642
INDIRECT EXPENSES:	51199	SALARY EXPENSE	104,797	110,717	5,920	6%	95,157	78,557
	51299	BENEFITS EXPENSE	37,207	35,671	(1,536)	-4%	34,036	26,736
	51900	OTHER INDIRECT EXPENSE	39,907	37,042	(2,866)	-7%	33,297	25,771
		TOTAL INDIRECT EXPENSES:	181,912	183,430	1,518	1%	162,490	131,064
		TOTAL ALL EXPENSES:	684,212	688,630	4,418	1%	731,972	216,706
		NET INCOME (LOSS):	45,788	(92,700)	(138,488)	-302%	17,256	670,980

ATTACHMENT D

**Washington State Bar Association
Section Budget Comparison**

All Sections

**SECTOPS
REVENUE:**

		FY2023 Budget	FY2024 Budget	FY24 vs FY23 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
48200	SECTION DUES	440,225	438,431	(1,794)	0%	416,055	565,974
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(101,660)	-
40500	INTEREST INCOME	13,120	17,147	4,027	31%	10,935	-
40800	PUBLICATIONS REVENUE	2,000	1,500	(500)	-25%	1,923	1,142
	OTHER	46,880	78,010	31,130	66%	38,196	19,665
	SEMINAR PROFIT SHARE	147,470	153,875	6,405	4%	396,244	-
TOTAL REVENUE		649,695	688,963	39,268	6%	761,693	586,781
DIRECT EXPENSES:							
	DIRECT EXPENSES OF SECTION ACTIVITIES	632,503	733,096	100,593	16%	194,459	154,241
	REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	272,143	284,470	12,327	5%	273,426	355,066
TOTAL DIRECT EXPENSES		904,646	1,017,566	112,920	12%	467,886	509,307
NET INCOME (LOSS):		(254,951)	(328,603)	(73,652)	29%	293,807	77,474

**Washington State Bar Association
Section Budget Comparison**

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SACPU							
ANTITRUST, CONSUMER PROTECTION & UNFAIR BUSINESS PRACTICES SECTION							
40500	INTEREST - INVESTMENTS	630	548	(82)	-13%	376	-
41805	MINI-CLE REVENUE	240	240	-	0%	-	-
48200	SECTION DUES REVENUE	4,775	4,644	(131)	-3%	4,538	6,188
TOTAL REVENUE		5,645	5,431	(214)	-4%	4,913	6,188
58300	EXECUTIVE COMMITTEE EXPENSES	750	750	-	0%	-	-
58325	LDSHIP/PROF DEVELOP/RETREATS	500	500	-	0%	-	-
58350	MEMBERSHIP & RECRUITING EXP	100	100	-	0%	-	-
58400	PER MEMBER CHARGE	3,373	3,428	55	2%	3,382	4,430
58450	RECEPTION/FORUM EXPENSE	690	690	-	0%	-	-
58525	SCHOLARSHIPS/DONATIONS/GRANT	6,000	6,000	-	0%	-	-
58615	LAW SCHOOL OUTREACH	1,000	1,000	-	0%	-	-
58620	MINI-CLE EXPENSE	1,500	1,500	-	0%	-	12
TOTAL DIRECT EXPENSES		13,913	13,968	55	0%	3,382	4,442
NET INCOME (LOSS):		(8,268)	(8,537)	(269)	3%	1,531	1,746
NEW FUND BALANCE:		49,363	40,826	(8,537)	-17%	57,631	59,388

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SADM	ADMINISTRATIVE LAW SECTION						
40500	INTEREST - INVESTMENTS	230	456	226	98%	278	-
40800	PUBLICATIONS REVENUE	2,000	1,500	(500)	-25%	1,923	1,142
41805	MINI-CLE REVENUE	4,750	3,000	(1,750)	-37%	5,790	2,260
48200	SECTION DUES REVENUE	7,500	7,500	-	0%	7,048	9,249
TOTAL REVENUE		40,730	12,456	(2,024)	-5%	15,039	12,651
58175	AWARDS	400	200	(200)	-50%	188	187
58325	LDSHIP/PROF DEVELOP/RETREATS	10,000	11,000	1,000	10%	285	5,374
58350	MEMBERSHIP & RECRUITING EXP	125	125	-	0%	-	-
58375	NEWSLETTER/PUBLICATION EXPENSE	1,200	1,200	-	0%	829	-
58400	PER MEMBER CHARGE	4,415	4,616	201	5%	4,387	5,524
58450	RECEPTION/FORUM EXPENSE	1,000	1,500	500	50%	390	1,150
58620	MINI-CLE EXPENSE	1,000	1,500	500	50%	448	1,304
TOTAL DIRECT EXPENSES		18,140	20,141	2,001	11%	6,526	13,542
NET INCOME (LOSS):		22,590	(7,685)	(30,275)	-134%	8,513	(890)
NEW FUND BALANCE:		42,710	35,026	(7,685)	-18%	46,370	44,324

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SANIM	ANIMAL LAW SECTION						
40500	INTEREST - INVESTMENTS	120	100	(20)	-16%	67	-
41805	MINI-CLE REVENUE	260	250	(10)	-4%	-	-
41875	SEMINAR SPLITS W/ OTHERS	100	-	(100)	-100%	-	-
48200	SECTION DUES REVENUE	2,225	1,975	(250)	-11%	2,047	2,607
TOTAL REVENUE		2,705	2,325	(380)	-14%	2,114	2,607
58300	EXECUTIVE COMMITTEE EXPENSES	570	570	-	0%	-	-
58325	LDSHIP/PROF DEVELOP/RETREATS	960	960	-	0%	-	-
58350	MEMBERSHIP & RECRUITING EXP	10	10	-	0%	-	-
58400	PER MEMBER CHARGE	1,572	1,459	(113)	-7%	1,528	1,869
58620	MINI-CLE EXPENSE	970	390	(580)	-60%	-	-
TOTAL DIRECT EXPENSES		4,082	3,389	(693)	-17%	1,528	1,869
NET INCOME (LOSS):		(1,377)	(1,063)	314	-23%	587	738
NEW FUND BALANCE:		9,107	8,044	(1,063)	-12%	10,484	11,222

**Washington State Bar Association
Section Budget Comparison**

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SBUS	BUSINESS LAW SECTION						
40500	INTEREST - INVESTMENTS	470	527	57	12%	350	-
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(800)	
41805	MINI-CLE REVENUE	1,580	1,900	320	20%	1,645	1,940
41850	SEMINAR SPLITS W/ CLE	1,150	1,500	350	30%	3,854	-
48200	SECTION DUES REVENUE	30,825	30,769	(56)	0%	29,198	39,108
TOTAL REVENUE		34,025	34,695	670	2%	34,247	41,048
50165	CONFERENCE CALLS	210	-	(210)	-100%	-	-
58125	ANNUAL OR OTHER MEETING EXPENS	1,000	1,000	-	0%	-	-
58150	ATTENDANCE AT BOG MEETINGS	300	-	(300)	-100%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	500	-	(500)	-100%	-	-
58325	LDSHIP/PROF DEVELOP/RETREATS	900	900	-	0%	-	-
58350	MEMBERSHIP & RECRUITING EXP	1,000	1,000	-	0%	351	-
58375	NEWSLETTER/PUBLICATION EXPENSE	2,000	2,000	-	0%	244	-
58400	PER MEMBER CHARGE	21,775	22,722	947	4%	21,879	28,043
58450	RECEPTION/FORUM EXPENSE	900	-	(900)	-100%	-	-
58500	NEW LAWYER OUTREACH	1,500	1,500	-	0%	-	-
58525	SCHOLARSHIPS/DONATIONS/GRANT	6,000	-	(6,000)	-100%	3,000	-
58550	SECTION COMMITTEE EXPENSE	2,500	2,500	-	0%	-	-
58620	MINI-CLE EXPENSE	2,800	6,000	3,200	114%	2,384	5,753
58625	SEMINAR EXPENSE - SECTIONS	2,000	4,783	2,783	139%	-	-
TOTAL DIRECT EXPENSES		43,385	48,405	5,020	12%	27,857	33,796
NET INCOME (LOSS):		(9,360)	(13,710)	(4,350)	-10%	6,391	7,251
NEW FUND BALANCE:		46,782	33,072	(13,710)	2%	56,142	63,379

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SCAN LIQUOR, CANNABIS, AND PSYCHEDELICS SECTION							
40500	INTEREST - INVESTMENTS	20	39	19	95%	22	-
41805	MINI-CLE REVENUE	250	1,600	1,350	540%	-	1,575
48200	SECTION DUES REVENUE	1,750	2,031	281	16%	1,777	2,592
TOTAL REVENUE		2,020	3,670	1,650	82%	1,799	4,167
58300	EXECUTIVE COMMITTEE EXPENSES	-	1,100	1,100		-	-
58350	MEMBERSHIP & RECRUITING EXP	50	500	450	900%	-	-
58400	PER MEMBER CHARGE	1,236	1,503	267	22%	1,323	1,854
58620	MINI-CLE EXPENSE	225	500	275	122%	37	12
TOTAL DIRECT EXPENSES		1,511	3,603	2,092	138%	1,360	1,866
NET INCOME (LOSS):		509	67	(442)	-87%	439	2,301
NEW FUND BALANCE:		4,062	4,129	67	2%	3,553	4,850

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD	
SCD	CREDITOR DEBTOR RIGHTS SECTION							
	40500	INTEREST - INVESTMENTS	330	403	73	22%	218	-
	41850	SEMINAR SPLITS W/ CLE	2,400	2,800	400	17%	9,436	-
	48200	SECTION DUES REVENUE	15,960	15,881	(79)	0%	13,118	19,988
TOTAL REVENUE		18,690	19,084	394	2%	22,771	19,988	
	50165	CONFERENCE CALLS	-	-	-		28	-
	58125	ANNUAL OR OTHER MEETING EXPENS	140	-	(140)	-100%	-	-
	58175	AWARDS	360	350	(10)	-3%	-	-
	58300	EXECUTIVE COMMITTEE EXPENSES	340	1,000	660	194%	-	-
	58375	NEWSLETTER/PUBLICATION EXPENSE	210	300	90	43%	729	-
	58400	PER MEMBER CHARGE	8,053	8,377	324	4%	8,191	10,625
	58525	SCHOLARSHIPS/DONATIONS/GRANT	5,000	5,000	-	0%	5,000	5,000
TOTAL DIRECT EXPENSES		14,103	17,027	2,924	21%	13,948	15,625	
NET INCOME (LOSS):		4,587	2,057	(2,530)	-55%	8,823	4,363	
NEW FUND BALANCE:		41,657	43,714	2,057	5%	37,070	41,415	

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD	
SCON	CONSTRUCTION LAW SECTION							
	40500	INTEREST - INVESTMENTS	440	572	132	30%	344	-
	41805	MINI-CLE REVENUE	1,800	-	(1,800)	-100%	-	-
	41875	SEMINAR SPLITS W/ OTHERS	10,580	6,000	(4,580)	-43%	12,331	-
	48200	SECTION DUES REVENUE	12,350	12,275	(75)	-1%	11,817	16,014
TOTAL REVENUE			25,170	18,847	(6,323)	-25%	24,492	16,014
	50165	CONFERENCE CALLS	-	-	-		-	-
	58175	AWARDS	1,000	500	(500)	-50%	-	204
	58300	EXECUTIVE COMMITTEE EXPENSES	2,370	1,000	(1,370)	-58%	205	-
	58315	HONORARIUM	-	500	500		750	-
	58325	LDSHIP/PROF DEVELOP/RETREATS	1,860	2,500	640	34%	-	634
	58350	MEMBERSHIP & RECRUITING EXP	-	500	500		-	-
	58375	NEWSLETTER/PUBLICATION EXPENSE	3,000	800	(2,200)	-73%	531	446
	58400	PER MEMBER CHARGE	8,724	9,064	340	4%	8,850	11,480
	58450	RECEPTION/FORUM EXPENSE	8,000	8,000	-	0%	2,646	3,350
	58525	SCHOLARSHIPS/DONATIONS/GRANT	80	5,000	4,920	6150%	-	-
	58600	SECTION SPECIAL PROJECTS	2,000	1,000	(1,000)	-50%	-	-
	58620	MINI-CLE EXPENSE	1,800	1,800	-	0%	-	-
	58625	SEMINAR EXPENSE - SECTIONS	314	1,000	686	218%	-	-
TOTAL DIRECT EXPENSES			29,148	31,664	2,516	9%	12,982	16,114
NET INCOME (LOSS):			(3,978)	(12,817)	(8,839)	222%	11,510	(100)
NEW FUND BALANCE:			53,940	41,123	(12,817)	-24%	57,918	58,452

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SCRIM CRIMINAL LAW SECTION							
40500	INTEREST - INVESTMENTS	820	801	(19)	-2%	545	-
41850	SEMINAR SPLITS W/ CLE	7,000	7,000	-	0%	13,542	-
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(2,700)	-
48200	SECTION DUES REVENUE	11,220	11,010	(210)	-2%	10,430	13,857
TOTAL REVENUE		19,040	18,811	(229)	-1%	21,817	13,857
50165	CONFERENCE CALLS	100	150	50	50%	-	-
58125	ANNUAL OR OTHER MEETING EXPENS	5,500	5,500	-	0%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	5,000	1,500	(3,500)	-70%	-	649
58305	EXECUTIVE COMM EXP - OTHER	550	1,000	450	82%	-	-
58325	LDSHIP/PROF DEVELOP/RETREATS	4,130	3,500	(630)	-15%	-	-
58350	MEMBERSHIP & RECRUITING EXP	500	1,000	500	100%	-	-
58400	PER MEMBER CHARGE	6,605	6,776	171	3%	6,524	8,285
58450	RECEPTION/FORUM EXPENSE	2,500	2,500	-	0%	-	-
58500	NEW LAWYER OUTREACH	500	500	-	0%	-	-
58525	SCHOLARSHIPS/DONATIONS/GRANT	4,000	4,000	-	0%	-	-
58615	LAW SCHOOL OUTREACH	500	500	-	0%	-	-
58620	MINI-CLE EXPENSE	2,000	500	(1,500)	-75%	-	-
58625	SEMINAR EXPENSE - SECTIONS	11,000	7,500	(3,500)	-32%	-	-
58675	WEBSITE EXPENSES	-	500	500		-	-
TOTAL DIRECT EXPENSES		42,885	35,426	(7,459)	-17%	6,524	8,934
NET INCOME (LOSS):		(23,845)	(16,615)	7,230	-30%	15,293	4,923
NEW FUND BALANCE:		66,332	49,717	(16,615)	-25%	90,177	95,087

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Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SCRL	CIVIL RIGHTS LAW SECTION						
40500	INTEREST - INVESTMENTS	120	141	21	17%	89	-
41805	MINI-CLE REVENUE	1,500	1,020	(480)	-32%	-	-
41850	SEMINAR SPLITS W/ CLE	875	200	(675)	-77%	2,280	-
48200	SECTION DUES REVENUE	5,220	5,288	68	1%	4,975	6,788
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(400)	-
TOTAL REVENUE		7,715	6,648	(1,067)	-14%	6,945	6,788
50165	CONFERENCE CALLS	240	170	(70)	-29%	-	-
58175	AWARDS	310	610	300	97%	581	-
58300	EXECUTIVE COMMITTEE EXPENSES	750	-	(750)	-100%	-	-
58315	HONORARIUM	500	500	-	0%	500	-
58325	LDSHIP/PROF DEVELOP/RETREATS	1,500	2,000	500	33%	1,675	-
58350	MEMBERSHIP & RECRUITING EXP	30	-	(30)	-100%	-	-
58400	PER MEMBER CHARGE	3,073	3,255	182	6%	3,105	4,055
58450	RECEPTION/FORUM EXPENSE	760	620	(140)	-18%	-	-
58615	LAW SCHOOL OUTREACH	500	210	(290)	-58%	-	-
58620	MINI-CLE EXPENSE	500	112	(388)	-78%	99	-
TOTAL DIRECT EXPENSES		8,163	7,477	(686)	-8%	5,960	4,055
NET INCOME (LOSS):		(448)	(828)	(380)	85%	985	2,734
NEW FUND BALANCE:		13,526	12,698	(828)	-6%	13,974	16,708

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SCORP	CORPORATE COUNSEL SECTION						
40500	INTEREST - INVESTMENTS	480	655	175	36%	365	-
41805	MINI-CLE REVENUE	8,000	8,000	-	0%	-	-
41850	SEMINAR SPLITS W/ CLE	6,850	5,850	(1,000)	-15%	18,041	-
41875	SEMINAR SPLITS W/ OTHERS	3,620	4,000	380	10%	-	-
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(5,345)	-
48200	SECTION DUES REVENUE	21,250	24,000	2,750	13%	20,561	27,414
TOTAL REVENUE		40,200	42,505	2,305	6%	33,621	27,414
50165	CONFERENCE CALLS	75	-	(75)	-100%	-	-
58175	AWARDS	200	200	-	0%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	500	500	-	0%	-	-
58325	LDSHIP/PROF DEVELOP/RETREATS	500	500	-	0%	-	-
58350	MEMBERSHIP & RECRUITING EXP	1,000	1,000	-	0%	500	-
58400	PER MEMBER CHARGE	19,002	22,857	3,855	20%	19,273	24,579
58450	RECEPTION/FORUM EXPENSE	-	500	500		500	-
58525	SCHOLARSHIPS/DONATIONS/GRANT	5,000	5,000	-	0%	1,000	-
58620	MINI-CLE EXPENSE	8,750	8,750	-	0%	-	-
58625	SEMINAR EXPENSE - SECTIONS	-	500	500		-	-
TOTAL DIRECT EXPENSES		35,027	39,807	4,780	14%	21,273	24,579
NET INCOME (LOSS):		5,173	2,698	(2,475)	-48%	12,349	2,835
NEW FUND BALANCE:		66,583	69,281	2,698	4%	61,410	64,242

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SDR DISPUTE RESOLUTION SECTION							
40500	INTEREST - INVESTMENTS	390	389	(1)	0%	270	-
41700	CONFERENCES & INSTITUTES	5,000	38,000	33,000	660%	3,632	-
41805	MINI-CLE REVENUE	360	360	-	0%	-	-
48200	SECTION DUES REVENUE	11,165	11,165	-	0%	10,539	13,348
TOTAL REVENUE		16,915	49,914	32,999	195%	14,441	13,348
50165	CONFERENCE CALLS	150	110	(40)	-27%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	1,000	950	(50)	-5%	-	-
58325	LDSHIP/PROF DEVELOP/RETREATS	5,500	6,000	500	9%	5,029	-
58350	MEMBERSHIP & RECRUITING EXP	1,500	1,500	-	0%	-	-
58400	PER MEMBER CHARGE	5,634	5,890	256	5%	5,640	6,842
58525	SCHOLARSHIPS/DONATIONS/GRANT	570	-	(570)	-100%	-	-
58600	SECTION SPECIAL PROJECTS	-	220	220		-	-
58620	MINI-CLE EXPENSE	2,000	2,000	-	0%	-	112
58625	SEMINAR EXPENSE - SECTIONS	-	42,000	42,000		9,526	-
58675	WEBSITE EXPENSES	250	250	-	0%	240	100
TOTAL DIRECT EXPENSES		16,604	58,920	42,316	255%	20,434	7,054
NET INCOME (LOSS):		311	(9,006)	(9,317)	-2996%	(5,994)	6,294
NEW FUND BALANCE:		38,151	29,145	(9,006)	-24%	37,840	44,134

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		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SELD	ELDER LAW SECTION						
40500	INTEREST - INVESTMENTS	770	1,136	366	47%	666	-
41850	SEMINAR SPLITS W/ CLE	20,300	5,625	(14,675)	-72%	27,734	-
48200	SECTION DUES REVENUE	20,895	21,053	158	1%	20,292	27,817
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(10,400)	-
TOTAL REVENUE		41,965	27,813	(14,152)	-34%	38,292	27,817
50165	CONFERENCE CALLS	360	170	(190)	-53%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	1,500	1,500	-	0%	-	-
58325	LDSHIP/PROF DEVELOP/RETREATS	5,000	5,000	-	0%	288	222
58326	LEGISLATIVE/LOBBYING	1,500	1,500	-	0%	-	-
58350	MEMBERSHIP & RECRUITING EXP	100	100	-	0%	-	-
58400	PER MEMBER CHARGE	10,543	11,106	563	5%	10,849	14,239
58450	RECEPTION/FORUM EXPENSE	3,000	5,000	2,000	67%	-	1,312
58525	SCHOLARSHIPS/DONATIONS/GRANT	15,000	30,000	15,000	100%	8,000	-
58600	SECTION SPECIAL PROJECTS	2,500	2,500	-	0%	-	300
58625	SEMINAR EXPENSE - SECTIONS	1,500	1,500	-	0%	-	-
TOTAL DIRECT EXPENSES		41,003	58,376	17,373	42%	19,137	16,073
NET INCOME (LOSS):		962	(30,563)	(31,525)	-3277%	19,155	11,744
NEW FUND BALANCE:		111,427	80,864	(30,563)	-27%	110,465	122,139

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SELU ENVIRONMENTAL & LAND USE LAW SECTION							
40500	INTEREST - INVESTMENTS	290	645	355	122%	385	-
41800	SEMINAR REGISTRATIONS	1,450	-	(1,450)	-100%	-	-
41805	MINI-CLE REVENUE	1,050	1,500	450	43%	3,875	1,605
41850	SEMINAR SPLITS W/ CLE	2,975	6,000	3,025	102%	21,419	-
48200	SECTION DUES REVENUE	30,520	30,430	(90)	0%	28,740	39,358
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(7,580)	-
TOTAL REVENUE		36,285	38,575	2,290	6%	46,839	40,963
50165	CONFERENCE CALLS	150	175	25	17%	124	165
58175	AWARDS	2,500	2,000	(500)	-20%	-	-
58200	BREAKFAST/LUNCH/DINNER MTG EXP	300	500	200	67%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	10,000	12,500	2,500	25%	492	6,394
58305	EXECUTIVE COMM EXP - OTHER	500	500	-	0%	7,246	-
58400	PER MEMBER CHARGE	13,475	13,847	372	3%	13,458	17,633
58525	SCHOLARSHIPS/DONATIONS/GRANT	6,000	9,000	3,000	50%	11,000	-
58600	SECTION SPECIAL PROJECTS	500	-	(500)	-100%	-	-
58615	LAW SCHOOL OUTREACH	1,000	2,000	1,000	100%	891	1,152
58620	MINI-CLE EXPENSE	2,000	5,500	3,500	175%	336	112
58625	SEMINAR EXPENSE - SECTIONS	1,500	1,500	-	0%	-	-
58675	WEBSITE EXPENSES	130	130	-	0%	126	123
58750	SEMINAR SCHOLARSHIPS	2,000	2,000	-	0%	-	2,000
TOTAL DIRECT EXPENSES		40,055	49,652	9,597	24%	33,673	27,579
NET INCOME (LOSS):		(3,770)	(11,077)	(7,307)	194%	13,166	13,384
NEW FUND BALANCE:		61,097	50,020	(11,077)	-18%	64,867	78,184

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		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SFAM FAMILY LAW SECTION							
40500	INTEREST - INVESTMENTS	850	1,701	851	100%	1,040	-
41850	SEMINAR SPLITS W/ CLE	10,600	26,050	15,450	146%	42,318	-
48200	SECTION DUES REVENUE	34,230	34,151	(79)	0%	32,794	44,654
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(15,550)	-
TOTAL REVENUE		45,680	61,902	16,222	36%	60,603	44,654
50165	CONFERENCE CALLS	240	200	(40)	-17%	-	-
58125	ANNUAL OR OTHER MEETING EXPENS	1,500	1,500	-	0%	150	-
58150	ATTENDANCE AT BOG MEETINGS	1,360	1,350	(10)	-1%	593	-
58175	AWARDS	2,000	2,000	-	0%	276	-
58300	EXECUTIVE COMMITTEE EXPENSES	16,000	16,000	-	0%	-	272
58305	EXECUTIVE COMM EXP - OTHER	10,000	10,000	-	0%	3,120	-
58350	MEMBERSHIP & RECRUITING EXP	1,000	1,000	-	0%	-	-
58375	NEWSLETTER/PUBLICATION EXPENSE	-	2,000	2,000		-	-
58400	PER MEMBER CHARGE	17,271	18,014	743	4%	17,562	22,869
58450	RECEPTION/FORUM EXPENSE	910	1,000	90	10%	-	-
58525	SCHOLARSHIPS/DONATIONS/GRANT	15,000	15,000	-	0%	-	-
58625	SEMINAR EXPENSE - SECTIONS	2,000	5,000	3,000	150%	-	1,529
TOTAL DIRECT EXPENSES		67,281	73,064	5,783	9%	21,702	24,670
NET INCOME (LOSS):		(21,601)	(11,162)	10,439	-48%	38,901	19,984
NEW FUND BALANCE:		155,385	144,223	(11,162)	-7%	176,986	196,814

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SHEA HEALTH LAW SECTION							
40500	INTEREST - INVESTMENTS	770	449	(321)	-42%	474	-
41805	MINI-CLE REVENUE	600	500	(100)	-17%	1,060	-
41850	SEMINAR SPLITS W/ CLE	500	4,200	3,700	740%	3,979	-
48200	SECTION DUES REVENUE	7,780	7,780	-	0%	7,365	9,875
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(350)	-
TOTAL REVENUE		9,650	12,929	3,279	34%	12,528	9,875
50070	PRINTING & COPYING	1,000	-	(1,000)	-100%	-	-
50165	CONFERENCE CALLS	500	-	(500)	-100%	500	-
58125	ANNUAL OR OTHER MEETING EXPENS	5,000	-	(5,000)	-100%	-	-
58175	AWARDS	2,000	-	(2,000)	-100%	-	-
58200	BREAKFAST/LUNCH/DINNER MTG EXP	1,500	-	(1,500)	-100%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	5,000	2,500	(2,500)	-50%	-	-
58305	EXECUTIVE COMM EXP - OTHER	2,500	2,500	-	0%	139	-
58315	HONORARIUM	5,000	3,000	(2,000)	-40%	860	-
58325	LDSHIP/PROF DEVELOP/RETREATS	5,000	4,000	(1,000)	-20%	-	562
58350	MEMBERSHIP & RECRUITING EXP	5,000	6,000	1,000	20%	1,926	-
58375	NEWSLETTER/PUBLICATION EXPENSE	500	-	(500)	-100%	-	-
58400	PER MEMBER CHARGE	6,870	7,182	312	5%	6,891	8,849
58450	RECEPTION/FORUM EXPENSE	1,500	-	(1,500)	-100%	-	-
58500	NEW LAWYER OUTREACH	1,500	-	(1,500)	-100%	-	-
58525	SCHOLARSHIPS/DONATIONS/GRANT	1,500	3,500	2,000	133%	-	1,479
58550	SECTION COMMITTEE EXPENSE	500	-	(500)	-100%	-	-
58600	SECTION SPECIAL PROJECTS	1,500	-	(1,500)	-100%	-	-
58615	LAW SCHOOL OUTREACH	3,500	-	(3,500)	-100%	-	1,225
58620	MINI-CLE EXPENSE	1,200	1,500	300	25%	112	-
58625	SEMINAR EXPENSE - SECTIONS	15,000	5,000	(10,000)	-67%	-	-
58750	SEMINAR SCHOLARSHIPS	1,500	2,500	1,000	67%	-	-
TOTAL DIRECT EXPENSES		67,570	37,682	(29,888)	-44%	10,428	12,114
NET INCOME (LOSS):		(57,920)	(24,753)	33,167	78%	2,100	(2,239)
NEW FUND BALANCE:		14,918	(9,835)	(24,753)	34%	72,838	70,596

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Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
REAL PROPERTY, PROBATE & TRUST SECTION							
SRPPT							
40500	INTEREST - INVESTMENTS	650	2,235	1,585	244%	1,265	-
41850	SEMINAR SPLITS W/ CLE	44,745	35,550	(9,195)	-21%	137,661	-
48200	SECTION DUES REVENUE	56,650	55,525	(1,125)	-2%	53,839	73,446
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(38,140)	-
TOTAL REVENUE		102,045	93,310	(8,735)	-9%	154,625	73,446
50165	CONFERENCE CALLS	200	200	-	0%	165	165
58300	EXECUTIVE COMMITTEE EXPENSES	10,000	10,000	-	0%	-	-
58305	EXECUTIVE COMM EXP - OTHER	23,000	40,000	17,000	74%	13,031	-
58325	LDSHIP/PROF DEVELOP/RETREATS	30,000	30,000	-	0%	16,548	10,912
58350	MEMBERSHIP & RECRUITING EXP	1,000	1,000	-	0%	-	-
58375	NEWSLETTER/PUBLICATION EXPENSE	2,000	-	(2,000)	-100%	-	680
58400	PER MEMBER CHARGE	40,018	40,993	975	2%	40,358	52,658
58500	NEW LAWYER OUTREACH	1,500	2,000	500	33%	1,000	316
58525	SCHOLARSHIPS/DONATIONS/GRANT	8,000	5,000	(3,000)	-38%	1,000	-
58615	LAW SCHOOL OUTREACH	1,000	1,000	-	0%	-	316
58625	SEMINAR EXPENSE - SECTIONS	1,180	20,000	18,820	1595%	6,000	-
58675	WEBSITE EXPENSES	4,040	5,000	960	24%	2,850	3,038
TOTAL DIRECT EXPENSES		121,938	155,693	33,755	28%	80,952	68,085
NET INCOME (LOSS):		(19,893)	(62,383)	(42,490)	214%	73,673	5,361
NEW FUND BALANCE:		208,421	146,038	(62,383)	-30%	228,314	233,714

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		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD	
SIND	INDIAN LAW SECTION							
	40500	INTEREST - INVESTMENTS	680	669	(11)	-2%	399	-
	41850	SEMINAR SPLITS W/ CLE	2,200	1,750	(450)	-20%	8,366	-
	41875	SEMINAR SPLITS W/ OTHERS	-	-	-		20,785	-
	48200	SECTION DUES REVENUE	9,600	9,600	-	0%	9,290	12,924
	41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(2,750)	-
TOTAL REVENUE		12,480	12,019	(461)	-4%	36,090	12,924	
	58300	EXECUTIVE COMMITTEE EXPENSES	400	400	-	0%	133	-
	58315	HONORARIUM	500	600	100	20%	-	-
	58350	MEMBERSHIP & RECRUITING EXP	800	1,600	800	100%	-	-
	58375	NEWSLETTER/PUBLICATION EXPENSE	1,250	1,250	-	0%	-	-
	58400	PER MEMBER CHARGE	5,651	5,908	257	5%	5,801	7,719
	58450	RECEPTION/FORUM EXPENSE	2,000	4,000	2,000	100%	-	1,803
	58525	SCHOLARSHIPS/DONATIONS/GRANT	10,000	20,000	10,000	100%	10,000	9,194
	58625	SEMINAR EXPENSE - SECTIONS	2,000	-	(2,000)	-100%	-	-
TOTAL DIRECT EXPENSES		22,601	33,758	11,157	49%	15,934	18,715	
NET INCOME (LOSS):		(10,121)	(21,739)	(11,618)	115%	20,157	(5,791)	
NEW FUND BALANCE:		60,331	38,592	(21,739)	-36%	70,452	64,661	

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD	
SINTL	INTERNATIONAL PRACTICE SECTION							
	40500	INTEREST - INVESTMENTS	270	387	117	43%	230	-
	41450	SPONSORSHIPS	2,000	2,000	-	0%	2,000	-
	41805	MINI-CLE REVENUE	2,000	2,750	750	38%	5,059	2,765
	48200	SECTION DUES REVENUE	8,435	8,409	(26)	0%	9,048	11,426
TOTAL REVENUE			12,705	13,545	840	7%	16,337	14,191
	50165	CONFERENCE CALLS	200	200	-	0%	198	-
	58125	ANNUAL OR OTHER MEETING EXPENS	5,000	5,000	-	0%	-	-
	58300	EXECUTIVE COMMITTEE EXPENSES	500	250	(250)	-50%	-	-
	58325	LDSHIP/PROF DEVELOP/RETREATS	500	250	(250)	-50%	-	-
	58350	MEMBERSHIP & RECRUITING EXP	50	-	(50)	-100%	-	-
	58375	NEWSLETTER/PUBLICATION EXPENSE	500	500	-	0%	-	-
	58400	PER MEMBER CHARGE	4,256	4,435	179	4%	4,233	5,649
	58450	RECEPTION/FORUM EXPENSE	-	2,000	2,000	-	3,015	-
	58525	SCHOLARSHIPS/DONATIONS/GRANT	1,360	1,000	(360)	-26%	1,000	-
	58620	MINI-CLE EXPENSE	1,500	2,000	500	33%	932	658
	58675	WEBSITE EXPENSES	-	-	-	-	32	-
TOTAL DIRECT EXPENSES			13,866	15,635	1,769	13%	9,410	6,307
NET INCOME (LOSS):			(1,161)	(2,090)	(929)	80%	6,927	7,884
NEW FUND BALANCE:			37,186	35,096	(2,090)	-6%	38,347	46,086

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SIP	INTELLECTUAL PROPERTY LAW SECTION						
	40500	900	1,053	153	17%	664	-
	41805	1,240	700	(540)	-44%	1,295	105
	41850	7,900	19,100	11,200	142%	19,600	-
	48200	21,375	20,531	(844)	-4%	20,100	27,025
	41855	-	-	-		(4,900)	-
TOTAL REVENUE		31,415	41,384	9,969	32%	36,758	27,130
	58175	50	-	(50)	-100%	-	-
	58300	2,000	1,000	(1,000)	-50%	-	-
	58325	-	500	500		-	-
	58350	2,780	2,000	(780)	-28%	-	-
	58400	15,099	15,153	54	0%	15,067	19,380
	58450	3,750	2,000	(1,750)	-47%	-	6,188
	58525	12,000	15,000	3,000	25%	-	15,000
	58600	-	2,000	2,000		-	-
	58615	1,000	500	(500)	-50%	-	-
	58620	1,500	3,000	1,500	100%	112	108
	58625	9,500	6,500	(3,000)	-32%	537	1,473
TOTAL DIRECT EXPENSES		47,679	47,653	(26)	0%	15,716	42,149
NET INCOME (LOSS):		(16,264)	(6,269)	9,995	-61%	21,042	(15,019)
NEW FUND BALANCE:		94,753	88,484	(6,269)	-7%	111,017	97,322

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD	
SJUV	JUVENILE LAW SECTION							
	40500	INTEREST - INVESTMENTS	120	116	(4)	-3%	86	-
	41805	MINI-CLE REVENUE	-	500	500		1,120	-
	48200	SECTION DUES REVENUE	4,830	4,699	(131)	-3%	4,536	6,097
TOTAL REVENUE		4,950	5,315	365	7%	5,741	6,097	
	50165	CONFERENCE CALLS	150	164	14	9%	150	163
	58300	EXECUTIVE COMMITTEE EXPENSES	500	760	260	52%	-	-
	58315	HONORARIUM	2,000	2,000	-	0%	1,000	-
	58325	LDSHIP/PROF DEVELOP/RETREATS	1,500	3,000	1,500	100%	-	-
	58350	MEMBERSHIP & RECRUITING EXP	250	250	-	0%	-	-
	58400	PER MEMBER CHARGE	2,437	2,478	41	2%	2,429	3,123
	58525	SCHOLARSHIPS/DONATIONS/GRANT	2,060	3,000	940	46%	-	1,500
	58620	MINI-CLE EXPENSE	500	450	(50)	-10%	224	-
	58625	SEMINAR EXPENSE - SECTIONS	800	-	(800)	-100%	-	-
TOTAL DIRECT EXPENSES		10,197	12,102	1,905	19%	3,803	4,786	
NET INCOME (LOSS):		(5,247)	(6,787)	(1,540)	29%	1,939	1,310	
NEW FUND BALANCE:		8,716	1,929	(6,787)	-78%	13,963	15,256	

**Washington State Bar Association
Section Budget Comparison**

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SLAMP LEGAL ASSISTANCE TO MILITARY PERSONNEL SECTION							
40500	INTEREST - INVESTMENTS	190	202	12	6%	129	-
41805	MINI-CLE REVENUE	130	320	190	146%	710	-
48200	SECTION DUES REVENUE	2,800	2,669	(131)	-5%	2,566	3,480
TOTAL REVENUE		3,120	3,191	71	2%	3,405	3,480
50165	CONFERENCE CALLS	200	10	(190)	-95%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	50	70	20	40%	144	-
58350	MEMBERSHIP & RECRUITING EXP	30	-	(30)	-100%	-	-
58375	NEWSLETTER/PUBLICATION EXPENSE	100	-	(100)	-100%	-	-
58400	PER MEMBER CHARGE	1,413	1,407	(6)	0%	1,367	1,780
58525	SCHOLARSHIPS/DONATIONS/GRANT	2,000	-	(2,000)	-100%	-	-
58620	MINI-CLE EXPENSE	500	310	(190)	-38%	386	-
TOTAL DIRECT EXPENSES		4,293	1,797	(2,496)	-58%	1,898	1,780
NET INCOME (LOSS):		(1,173)	1,394	2,567	-219%	1,508	1,700
NEW FUND BALANCE:		19,141	20,535	1,394	7%	20,314	22,014

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SLB	LOW BONO SECTION						
40500	INTEREST - INVESTMENTS	70	172	102	145%	111	-
41805	MINI-CLE REVENUE	3,000	2,200	(800)	-27%	2,170	945
41875	SEMINAR SPLITS W/ OTHERS	-	1,000	1,000		-	-
48200	SECTION DUES REVENUE	2,400	2,288	(113)	-5%	2,242	2,907
TOTAL REVENUE		5,470	5,659	189	3%	4,523	3,852
50165	CONFERENCE CALLS	140	165	25	18%	-	-
58125	ANNUAL OR OTHER MEETING EXPENS	300	2,000	1,700	567%	-	-
58150	ATTENDANCE AT BOG MEETINGS	300	100	(200)	-67%	-	-
58175	AWARDS	300	-	(300)	-100%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	350	100	(250)	-71%	-	126
58325	LDSHIP/PROF DEVELOP/RETREATS	1,400	700	(700)	-50%	486	597
58350	MEMBERSHIP & RECRUITING EXP	200	500	300	150%	-	-
58375	NEWSLETTER/PUBLICATION EXPENSE	2,000	-	(2,000)	-100%	-	-
58400	PER MEMBER CHARGE	1,413	1,407	(6)	0%	1,408	1,741
58500	NEW LAWYER OUTREACH	200	200	-	0%	-	-
58525	SCHOLARSHIPS/DONATIONS/GRANT	900	200	(700)	-78%	-	-
58600	SECTION SPECIAL PROJECTS	-	500	500		-	-
58615	LAW SCHOOL OUTREACH	200	-	(200)	-100%	-	-
58620	MINI-CLE EXPENSE	224	112	(112)	-50%	112	112
58625	SEMINAR EXPENSE - SECTIONS	100	100	-	0%	-	-
TOTAL DIRECT EXPENSES		8,027	6,084	(1,943)	-24%	2,006	2,576
NET INCOME (LOSS):		(2,557)	(425)	2,132	-83%	2,518	1,277
NEW FUND BALANCE:		15,482	15,058	(425)	-3%	18,039	18,421

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SLE LABOR & EMPLOYMENT LAW SECTION							
40500	INTEREST - INVESTMENTS	850	913	63	7%	656	-
41805	MINI-CLE REVENUE	1,390	300	(1,090)	-78%	1,425	1,005
41850	SEMINAR SPLITS W/ CLE	13,450	20,250	6,800	51%	33,862	-
48200	SECTION DUES REVENUE	28,860	29,400	540	2%	27,281	38,811
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(9,145)	-
TOTAL REVENUE		44,550	50,863	6,313	14%	54,079	39,816
50070	PRINTING & COPYING	200	200	-	0%	-	-
50165	CONFERENCE CALLS	180	170	(10)	-6%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	2,000	2,000	-	0%	937	-
58315	HONORARIUM	1,000	1,000	-	0%	-	-
58325	LDSHIP/PROF DEVELOP/RETREATS	15,000	15,000	-	0%	1,885	9,101
58400	PER MEMBER CHARGE	16,989	18,093	1,104	6%	17,045	23,175
58450	RECEPTION/FORUM EXPENSE	3,000	-	(3,000)	-100%	-	(904)
58525	SCHOLARSHIPS/DONATIONS/GRANT	22,500	22,500	-	0%	22,500	7,500
58615	LAW SCHOOL OUTREACH	1,000	1,000	-	0%	-	664
58620	MINI-CLE EXPENSE	8,000	11,000	3,000	38%	1,724	-
58625	SEMINAR EXPENSE - SECTIONS	5,000	3,000	(2,000)	-40%	-	2,311
TOTAL DIRECT EXPENSES		74,869	73,963	(906)	-1%	44,090	41,848
NET INCOME (LOSS):		(30,319)	(23,101)	7,218	-24%	9,989	(2,031)
NEW FUND BALANCE:		74,001	50,901	(23,101)	-31%	104,320	104,074

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SLGBT LGBT LAW SECTION							
40500	INTEREST - INVESTMENTS	90	102	12	13%	71	-
41805	MINI-CLE REVENUE	200	200	-	0%	930	240
48200	SECTION DUES REVENUE	3,570	3,300	(270)	-8%	3,285	4,083
TOTAL REVENUE		3,860	3,602	(258)	-7%	4,286	4,323
50165	CONFERENCE CALLS	110	150	40	36%	150	-
58125	ANNUAL OR OTHER MEETING EXPENS	200	200	-	0%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	200	200	-	0%	-	-
58315	HONORARIUM	500	500	-	0%	-	-
58350	MEMBERSHIP & RECRUITING EXP	2,000	2,000	-	0%	278	-
58400	PER MEMBER CHARGE	2,102	2,031	(71)	-3%	2,042	2,439
58525	SCHOLARSHIPS/DONATIONS/GRANT	200	500	300	150%	-	-
58615	LAW SCHOOL OUTREACH	-	500	500	-	-	-
58620	MINI-CLE EXPENSE	1,500	1,500	-	0%	62	112
58750	SEMINAR SCHOLARSHIPS	500	500	-	0%	-	-
TOTAL DIRECT EXPENSES		7,312	8,081	769	11%	2,531	2,551
NET INCOME (LOSS):		(3,452)	(4,479)	(1,027)	30%	1,755	1,771
NEW FUND BALANCE:		8,196	3,717	(4,479)	-55%	11,648	13,419

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SLIT	LITIGATION SECTION						
40500	INTEREST - INVESTMENTS	820	1,155	335	41%	689	-
41850	SEMINAR SPLITS W/ CLE	11,350	6,100	(5,250)	-46%	18,679	-
48200	SECTION DUES REVENUE	30,660	29,265	(1,395)	-5%	28,661	39,344
41855	CLE SECTION SPLITS PROJECTIONS	-	-	-		(3,000)	-
TOTAL REVENUE		42,830	36,520	(6,310)	-15%	45,029	39,344
50165	CONFERENCE CALLS	170	170	-	0%	70	17
58175	AWARDS	1,500	1,500	-	0%	-	-
58200	BREAKFAST/LUNCH/DINNER MTG EXP	5,500	5,500	-	0%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	12,750	12,750	-	0%	464	2,213
58325	LDSHIP/PROF DEVELOP/RETREATS	420	520	100	24%	-	-
58350	MEMBERSHIP & RECRUITING EXP	1,000	1,000	-	0%	-	-
58400	PER MEMBER CHARGE	18,049	17,998	(51)	0%	17,904	23,504
58500	NEW LAWYER OUTREACH	600	600	-	0%	-	-
58525	SCHOLARSHIPS/DONATIONS/GRANT	6,000	6,000	-	0%	4,000	-
58615	LAW SCHOOL OUTREACH	1,500	1,500	-	0%	386	-
58625	SEMINAR EXPENSE - SECTIONS	750	750	-	0%	-	-
TOTAL DIRECT EXPENSES		48,239	48,288	49	0%	22,824	25,735
NET INCOME (LOSS):		(5,409)	(11,768)	(6,359)	118%	22,204	13,609
NEW FUND BALANCE:		110,092	98,324	(11,768)	-11%	115,501	129,084

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SSEN	SENIOR LAWYERS SECTION						
40500	INTEREST - INVESTMENTS	90	166	76	84%	95	-
41805	MINI-CLE REVENUE	2,720	2,850	130	5%	1,645	-
48200	SECTION DUES REVENUE	5,550	5,606	56	1%	5,372	6,966
TOTAL REVENUE		8,360	8,622	262	3%	7,112	6,966
50165	CONFERENCE CALLS	250	150	(100)	-40%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	500	230	(270)	-54%	-	50
58350	MEMBERSHIP & RECRUITING EXP	-	610	610		-	-
58375	NEWSLETTER/PUBLICATION EXPENSE	1,800	4,000	2,200	122%	1,216	2,850
58400	PER MEMBER CHARGE	3,921	4,141	220	6%	4,029	4,999
58620	MINI-CLE EXPENSE	-	-	-		112	-
TOTAL DIRECT EXPENSES		6,471	9,131	2,660	41%	5,358	7,899
NET INCOME (LOSS):		1,889	(509)	(2,398)	-127%	1,754	(933)
NEW FUND BALANCE:		17,118	16,609	(509)	-3%	15,229	14,259

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
SSSP	SOLO & SMALL PRACTICE SECTION						
40500	INTEREST - INVESTMENTS	900	989	89	10%	639	-
41805	MINI-CLE REVENUE	5,000	5,000	-	0%	4,805	2,905
48200	SECTION DUES REVENUE	31,500	31,500	-	0%	29,144	39,447
TOTAL REVENUE		37,400	37,489	89	0%	34,588	42,352
50165	CONFERENCE CALLS	190	200	10	5%	199	101
58150	ATTENDANCE AT BOG MEETINGS	-	100	100		-	-
58300	EXECUTIVE COMMITTEE EXPENSES	270	300	30	11%	-	-
58325	LDSHIP/PROF DEVELOP/RETREATS	5,000	5,000	-	0%	1,348	4,078
58350	MEMBERSHIP & RECRUITING EXP	3,000	5,000	2,000	67%	6,874	400
58400	PER MEMBER CHARGE	15,894	16,616	722	5%	15,602	20,291
58525	SCHOLARSHIPS/DONATIONS/GRANT	1,200	-	(1,200)	-100%	-	-
58600	SECTION SPECIAL PROJECTS	1,500	2,000	500	33%	-	-
58620	MINI-CLE EXPENSE	2,500	3,000	500	20%	1,222	448
58625	SEMINAR EXPENSE - SECTIONS	5,000	5,000	-	0%	4,500	-
58675	WEBSITE EXPENSES	4,000	5,000	1,000	25%	-	111
58750	SEMINAR SCHOLARSHIPS	2,000	3,000	1,000	50%	1,950	-
TOTAL DIRECT EXPENSES		40,554	45,216	4,662	11%	31,695	25,429
NET INCOME (LOSS):		(3,154)	(7,727)	(4,573)	145%	2,894	16,923
NEW FUND BALANCE:		95,092	87,366	(7,727)	-8%	98,247	114,951

Washington State Bar Association
Section Budget Comparison

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD
STAX	TAXATION SECTION						
40500	INTEREST - INVESTMENTS	560	200	(360)	-64%	257	-
41500	ANNUAL OR OTHER MEETING REV	2,000	4,320	2,320	116%	-	4,320
41805	MINI-CLE REVENUE	360	500	140	39%	835	-
48200	SECTION DUES REVENUE	12,460	12,190	(270)	-2%	11,696	16,039
TOTAL REVENUE		15,380	17,210	1,830	12%	12,788	20,359
50165	CONFERENCE CALLS	100	100	-	0%	-	-
58125	ANNUAL OR OTHER MEETING EXPENS	10,000	9,000	(1,000)	-10%	-	1,800
58175	AWARDS	400	400	-	0%	-	-
58300	EXECUTIVE COMMITTEE EXPENSES	2,000	2,000	-	0%	-	-
58350	MEMBERSHIP & RECRUITING EXP	1,500	1,500	-	0%	-	-
58375	NEWSLETTER/PUBLICATION EXPENSE	-	1,500	1,500		-	-
58400	PER MEMBER CHARGE	11,002	11,249	247	2%	10,954	14,371
58450	RECEPTION/FORUM EXPENSE	4,500	4,500	-	0%	530	1,306
58525	SCHOLARSHIPS/DONATIONS/GRANT	5,000	9,000	4,000	80%	6,000	-
58600	SECTION SPECIAL PROJECTS	6,000	6,000	-	0%	3,500	150
58620	MINI-CLE EXPENSE	500	500	-	0%	236	-
58625	SEMINAR EXPENSE - SECTIONS	4,000	4,000	-	0%	850	-
TOTAL DIRECT EXPENSES		45,002	49,749	4,747	11%	22,070	17,627
NET INCOME (LOSS):		(29,622)	(32,539)	(2,917)	10%	(9,282)	2,732
NEW FUND BALANCE:		4,711	(27,828)	(32,539)	-691%	34,333	32,743

**Washington State Bar Association
Section Budget Comparison**

		FY2023 Budget	FY2024 Budget	FY23 vs FY24 Comparison	% Change	FY2022 Actuals YTD	FY2023 Actuals YTD	
SWP	WORLD PEACE THROUGH LAW SECTION							
	40500	INTEREST - INVESTMENTS	200	228	28	14%	155	-
	41850	SEMINAR SPLITS W/ CLE	875	900	25	3%	2,358	-
	48200	SECTION DUES REVENUE	3,870	3,499	(371)	-10%	3,758	5,123
TOTAL REVENUE		4,945	4,627	(318)	-6%	6,470	5,123	
	50165	CONFERENCE CALLS	10	-	(10)	-100%	-	-
	58175	AWARDS	500	500	-	0%	-	-
	58300	EXECUTIVE COMMITTEE EXPENSES	150	150	-	0%	-	-
	58350	MEMBERSHIP & RECRUITING EXP	1,000	1,000	-	0%	-	-
	58400	PER MEMBER CHARGE	2,278	2,466	188	8%	2,348	3,061
	58450	RECEPTION/FORUM EXPENSE	500	500	-	0%	-	-
	58500	NEW LAWYER OUTREACH	-	520	520	-	-	-
	58525	SCHOLARSHIPS/DONATIONS/GRANT	3,000	3,000	-	0%	-	250
	58600	SECTION SPECIAL PROJECTS	200	200	-	0%	-	-
	58615	LAW SCHOOL OUTREACH	100	100	-	0%	-	-
	58620	MINI-CLE EXPENSE	1,490	1,880	390	26%	539	950
	58625	SEMINAR EXPENSE - SECTIONS	1,500	1,500	-	0%	-	-
TOTAL DIRECT EXPENSES		10,728	11,816	1,088	10%	2,887	4,261	
NET INCOME (LOSS):		(5,783)	(7,189)	(1,406)	24%	3,584	862	
NEW FUND BALANCE:		19,419	12,230	(7,189)	-37%	25,202	26,051	

ATTACHMENT E

**2024 WSBA BUDGET WORKSHEET
CAPITAL BUDGET**

	COST CENTER	UNIT COST	QTY	AMOUNT	USEFUL LIFE (YRS)	ESTIMATED IN SERVICE DATE	ANNUAL DEPRECIATION EXPENSE	BUDGET FY 2024
Capital Software (General Indirects)								
Discipline System (GILDA) replacement	DISC	40,000	1	40,000	5	Oct-23	8,000	8,000
				-				-
Total				40,000			8,000	8,000
Capital Labor (WSBA Developer Resources)								
Law Clerk Database	CLERK	93,510	1	93,510	5	Jul-24	4,675	4,675
MCLE System Enhancements	MCLE	67,370	1	67,370	5	Jan-24	13,474	10,106
Discipline System (GILDA) replacement	DISC	49,120	1	49,120	5	Jan-24	9,824	7,368
Total		210,000		210,000			27,974	22,149
Capital Hardware (General Indirects):								
Replacement of network infrastructure hardware	INDIRECT	40,000	1	40,000	5	Oct-23	13,333	13,333
Total				40,000			13,333	13,333
Leasehold Improvements (General Indirects)								
Leasehold Improvements (accessibility)	INDIRECT	50,000	1	50,000	3.25	Oct-23	15,385	15,385
Total				50,000			15,385	15,385
GRAND TOTAL								
				340,000			64,692	58,867

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
 From: Budget and Audit Committee
 Re: 2025 License Fees
 Date: August 18, 2023

ACTION: Adopt the Budget and Audit Committee’s recommendations regarding 2024 license fees as noted below.

The WSBA Budget and Audit Committee met on August 18, 2023, and reviewed a final draft of the FY2024 budget and fiscal projections through FY 2026. The Committee discussed this information and voted to recommend to the Board of Governors that license fees remain the same for all license types and the Client Protection Fund assessment be increased by \$5.00 (from \$15.00 to \$20.00) for 2025. The motion was approved unanimously with a vote of 5 to 0. Below is a list of all license fee types and recommended fees for 2025.

License Type	License Fee
Active Lawyer- Admitted prior to 2021	\$458.00
Active Lawyer- Admitted 2021 or 2022	\$229.00
New Admittee Lawyer- 100%	\$458.00
New Admittee Lawyer- 50%	\$229.00
New Admittee Lawyer- 25%	\$114.50
Active LLLT- Admitted prior to 2021	\$229.00
Active LLLT- Admitted 2021 or 2022	\$114.50
New Active LLLT- 50%	\$114.50
New Active LLLT- 25%	\$57.25
Active LPO- Admitted prior to 2021	\$200.00
New Active LPO- 50%	\$100.00
New Active LPO- 25%	\$50.00
Active LPO- Admitted 2021 or 2022	\$100.00
Inactive Lawyer/Pro Bono Status	\$200.00
Inactive LLLT or LPO	\$100.00
Judicial	\$50.00
Foreign Law Consultant	\$458.00
Housel Counsel	\$458.00
Emeritus	\$200.00
Pro Hac Vice	\$458.00

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, and The Board of Governors

From: Terra Nevitt, Executive Director
Tiffany Lynch, Director of Finance
Julie Shankland, General Counsel

Date: September 2023

Re: FY 2024 License Fee *Keller* Deduction

ACTION: Approve 2024 *Keller* deduction schedule.

Each year, the annual license fee form provides an “optional *Keller* deduction” approved by the Board of Governors. This is in response to the U. S. Supreme Court 1990 decision in *Keller v. State Bar of California*¹ holding that state bar mandatory fees may not be used over a member’s objection for activities that are *political or ideological in nature and which are not reasonably related to (1) regulating the practice of law, or (2) improving the quality of legal services*. In *Eugster v. WSBA*², the court stated that “the WSBA provides robust procedural safeguards to ensure compliance with *Keller*.” Recent court decisions affirmed that *Keller* has not been overruled, but also provided additional lack of clarity in the definition of chargeability (germaneness). In addition to *Keller*’s Constitutional limitations, General Rules 12-12.3 set out the Washington Supreme Court’s plenary authority over the WSBA, its regulatory objectives for regulating the practice of law, and the WSBA’s purposes, authorized, and prohibited activities.

Article XV of the WSBA Bylaws explains the approach, notice, and arbitration provisions. The Bylaws state that “[w]hen calculating the *Keller* deduction, the Bar shall use a conservative test for determining whether an individual activity is chargeable or nonchargeable. When in doubt, the Bar will err in favor of the membership by considering activities to be nonchargeable even when a reasonable argument could be made that such activities were chargeable.” This year’s calculation reflects this conservative approach and includes activities that could reasonably be considered chargeable.

OVERVIEW OF OPTIONAL KELLER DEDUCTION CALCULATION

¹ *Keller v. State Bar of California*, 496 U.S. 1 (1990)

² *Eugster v. WSBA*, No. C15-0375JLR 2015 WL 5175722 (W.D. Wash Sept. 3, 2015), *aff’d*, 684 F.App’x 618 (9th Cir. 2017)

The optional Keller deduction amount for FY 24 is the sum of the following three numbers:

- (1) The full FY 24 budgeted amount for legislative activities divided by the number of license fee paying members expected in FY 24;
- (2) The full FY 24 budgeted amount for ABA delegate activities divided by the number of license fee paying members expected in FY 24; and
- (3) A cost of other potentially non-chargeable activities based on a detailed review of the current fiscal year, including staff salary, benefits and overhead (including meeting time and conference call costs). We used the time period July 1, 2022-July 31, 2023 to make certain we gathered 12 months of financial information.

LEGISLATIVE EXPENSE CALCULATION

The WSBA's FY 24 legislative activity budget amount \$281,281.00.00 is divided by the expected number of license fee paying members in FY24 to calculate the per member amount.

$$\$281,300.00 \div 42,993 = \$6.54$$

We changed our calculation method for the legislative expense beginning with the FY 22 Keller deduction. Prior to that time, we calculated a percentage of the current fiscal year's legislative activities that objecting members might consider non germane and applied that percentage to the next year's legislative budget and divided that number by the anticipated number of license fee paying members to determine the base number. Due to the ongoing legal challenges and decisions related to the Keller definition of germane activity, the deduction calculation includes the entire legislative budget regardless of whether the activities are germane and chargeable. This reflects a decision to take a conservative approach that favors the membership.

Even though we no longer calculate the percentages, we continue to collect that information and have included that detailed information.

ABA DELEGATION EXPENSE CALCULATION

The ABA delegates take political positions, so we treat the entire ABA Delegate budgeted amount as non-chargeable.

$$\$14,000 \div 42,993 = \$0.33$$

OTHER NON-CHARGEABLE EXPENSES/GENERAL STAFF TIME

We reviewed all other WSBA activities to identify other potentially non-chargeable activities. WSBA employees review meeting agendas and minutes and provide details of staff time and meeting expenses for activities that might be non-chargeable. We reviewed all activities, including CLE programming, Bar News and publications, BOG meetings, diversity, and access to justice activities. We followed the same conservative approach and included germane activities in this calculation when recent court decisions made the definition of germane activities less clear. In

this category, we included some Access to Justice Board activities, WYLC scholarships for ABA meeting attendance, and some Board of Governors meeting activities. The detailed information is attached.

We calculated the amount of the deduction as follows:

- (1) Determine the activities to include in the deduction;
- (2) Determine the percentage of time spent on non-chargeable activities;
- (3) Apply this percentage to the FY 24 budgeted amount for these activities

The total amount spent for staff time, overhead, and costs for this category is \$48,593.95.

$$\$48,593.95 \div 42,993 = \$1.12$$

KELLER DEDUCTION CALCULATION AND ROUNDING UP

The *Keller* deduction is the sum of the amounts in #1, #2, and #3 above.

$$\$6.54 + \$0.33 + \$1.12 = \$7.99$$

We recommend rounding up for simplicity and ease in calculations. Therefore, we recommend that the Keller deduction for FY 24 be set at **\$8.00**.

The comparison to previous years is shown in this table:

YEAR	DEDUCTION
2023	\$6.90
2022	\$9.02
2021	\$3.85
2020	\$1.55
2019	\$1.25
2018	\$2.50
2017	\$3.50
2016	\$6.40
2015	\$4.40
2014	\$4.70
2013	\$6.40
2012	\$6.00

Based on these calculations, we recommend the following Keller deduction schedule for 2023 pro-rated by the amount of license fee paid by various categories of WSBA membership:

	License Fee	Keller Deduction
• Active Lawyer Admitted to any Bar before 2021	\$458.00	\$8.00
• Active Lawyer Admitted to any Bar in 2021 or 2022	\$229.00	\$4.00
• Inactive/Pro Bono Lawyer	\$200.00	\$3.49
• New Active Lawyer-admitted same year of exam (Jan 1-June 30)	\$229.00	\$4.00
• New Active Lawyer-admitted same year of exam (July 1-Dec 31)	\$114.50	\$2.00
• Active Limited License Legal Technician Admitted before 2021	\$229.00	\$4.00
• Active LLLT Admitted in 2021 or 2022	\$114.50	\$2.00
• New Active LLLT – admitted same year of exam Jan 1- Jun 30	\$114.50	\$2.00
• New Active LLLT – admitted same year of exam Jul 1- Dec 31	\$57.25	\$1.00
• Active LPO Admitted before 2021	\$200.00	\$3.49
• Active LPO Admitted in 2021 or 2022	\$100.00	\$1.75
• New Active LPO – admitted same year of exam Jan 1- Jun 30	\$100.00	\$1.75
• New Active LPO – admitted same year of exam Jul 1- Dec 31	\$50.00	\$0.87
• Inactive LLLT/LPO	\$100.00	\$1.75
• Judicial	\$50.00	\$0.87

FY 24 KELLER CALCULATION DATA

LEGISLATIVE

BILL # OR TOPIC	ACTIVITY	EMPLOYEE HOURS	CHARGE/NO CHARGE (C/NC)	DIRECT/INDIRECT (D/I)
Leg. Review	Bill referrals to Sections, watching TVW hearings	350	NC	I
Leg. Admin. Work	Updating website, generating LobbyGov reports, updating keywords and contacts from Sections and other entities	50	C	I
ADR Section Legislative Committee	7/21/22 update meeting	1	C	I
Chapter 11.54 RCW-Family Allowance	8/10/22 discussion with Sen. Stanford	0.5	NC	D
Uniform Child Abduction Act	1/6/23 discussion with Rep. Goodman	0.5	NC	D
Parenting Plans	1/13/23 discussion with Councilmember Dunn's office and the Family Law Section	1	NC	D
SB 5589 (Probate)	1/17/23 discussion with Sen. Stanford and RPPT	0.5	NC	D
Parenting Plans	2/14/23 discussion with Councilmember Dunn's office, the Family Law Section, and the Superior Court Judges Association	0.5	NC	D
SB 5173/HB 1400	2/21/23 discussion with Rep. Peterson and the Creditor Debtor Rights Section	1	NC	D
Uniform Child Abduction Act	2/23/23 discussion with Rep. Goodman and the Family Law Section	1	NC	D
Notary requirements for leases	3/7/23 discussion with RPPT about potential 2024 legislation	0.5	NC	I
SB 5173	3/14/23 discussion with discussion with Rep.	0.5	NC	D

	Peterson and the Creditor Debtor Rights Section			
Senate Law & Justice Committee	5/30/23 call with Committee staff	0.5	NC	D
Senate Law & Justice Committee	6/6/23 call with Committee staff	0.5	NC	D
Senate Law & Justice Committee	6/14/23 discussion of regulation of internet legal service providers	3	C	D
Uniform Law Commission priorities: 2023-24	6/3/22 call with Sen. Pedersen	0.5	NC	D
SB 5004 (Bar- request legislation)	7/1/22 call with Sen. Pedersen	0.5	NC	D
Civil Rights Law section priorities	1/11/23 call with Civil Rights Law Section executive committee representative	0.5	NC	I
HB 1088 (Uniform Family Law Arbitration Act)	8/8/22 discussion with Alternative Dispute Resolution Section representative	0.5	NC	I
Contract lobbyists	Discussions with WSBA contract lobbyists	8	NC	I
	Bill referrals to Sections, watching TVW hearings			I
BLC (BOG Legislative Committee) Meeting Staff prep.		3	NC	I
BLC Meeting Prep (11/5/22)		1.5	NC	I
BLC 1/20/2023		3	NC	I
BLC 1/27/2023		3	NC	I
BLC 2/3/2023		3	NC	I
BLC 2/10/2023		3	NC	I
BLC 2/17/2023		3	NC	I
BLC 3/10/2023		3	NC	I
BLC 3/17/2023		3	NC	I
BLC Meeting 3/31/2023		4	NC	I
BLC Meeting 4/7/2023		4	NC	I

BLC Meeting 4/14/2023		3	NC	I
BLC Meeting 4/21/2023		3	NC	I
LRC Meeting Prep.	Staff prep.	5	NC	I
LRC 10/19/22 Orientation Meeting		2	C	I
LRC 10/20/22 Meeting	Staff prep.	4	NC	I
Sections Leg Primer	Staff prep.	6	C	I
Sections Leg Primer Meeting 12/15/22	Meeting	3	C	I

ACCESS TO JUSTICE BOARD AND COUNCIL ON PUBLIC DEFENSE

TOPIC	ACTIVITY	EMPLOYEE HOURS	C/NC	D/I
Updating the Standards for Indigent Defense - monthly from July 2022-June 2023	A subcommittee of the CPD has been meeting monthly for 2-3 hours to review and revised the Standards of Indigent Defense. They have also given 10-15 minute updates at each CPD meeting. This has been largely volunteer driven with minimal staff time. The volunteer Council hours are an estimate as staff have not attended the meetings to keep a time track	3	C	I
Standards 14.1 Statement Discussion and action 10/21/22	The CPD discussed several questions they had received regarding implementation of Standard 14.1. Took action to draft an advisory statement clarifying for BOG approval. The statement was approved and posted to the WSBA website. Staff facilitated the review and posting but did not give substantive time to drafting the statement	0.75	C	I
WSSC Rules Committee Proposals 2/24/2023	The WSSC Rules Committee received a proposed Court rule by a person who is currently an inmate relating to post-conviction relief. The Court reached out to ask if the CPD had a comment about supporting the rule or other thoughts. There were three different proposals in the materials. The Council discussed the	0.5	C	I

	content of the proposals and reached out to folks at WDA and other CPD members to gather input and recommend input to the WSSC Rules Committee.			
Potential Court Rule Proposal Collaboration – CrR 4.2€ 3/24/23	Judge Amamilo contacted the CPD about a potential rule change to CrR 4.2. Judge Amamilo joined a CPD meeting to discuss and gather feedback. The CPD ultimately chose not to collaborate on a draft change but did provide feedback to Judge Amamilo	0.5	C	I
Equal Justice Coalition discussion 1/27/23	The Equal Justice Coalition Manager presented at the ATJ Board meeting on how people can participate in lobbying for civil legal aid funds at the legislature	1.0	C	I
Legislative Update 3/10/23	Antonio Ginatta, Legislative Manager at CLS, presented at a Board meeting about legislative updates of interest	1.0	NC	I
Local Court Rules Policy Proposal 6/9/2023	The Board discussed court rules change from county to county, leading rules to become complicated for statewide entities. Within Chelan County there is currently a proposed local general rule one (1) regarding “good courtroom practice” that has been drafted by the local court. The ATJ Board had a concern regarding the meaning of the proposed rule change and assessed the proposal, ultimately choosing to draft their own version of the proposal. The Board voted to approve Terry Price sending a letter to Chelan Co District Court with their feedback	1.0	C	I
Suggested Amendments to RPC 1.15A and ELC 15.7 and Add Comment to RPC 1.15B Proponent 5/21/23	The ATJ Rules Committee discussed the listed rules proposals and voted to send a letter on behalf of the Board with feedback	0.5	C	I
CR 16 proposal 5/21/23	The ATJ Rules Committee discussed a proposed rule	0.5	C	I

	change, and the committee chose not to take action			
RPC 1.8	The ATJ Rules Committee discussed a proposed rule change, and the committee chose not to take action	0.5	C	I
GR 30 workgroup discussion 4/18/23 6/20/23	A member of the ATJ Technology Committee is also a member of an AOC workgroup discussing revisions to GR 30. This volunteer spoke at two ATJ Tech committee meetings to gather feedback on electronic signatures and proposed feedback for a rule change	0.75	C	I
GR 34 discussion 10/25/23 and 11/15/23	The ATJ Delivery System Committee discussed issues regarding compliance with GR 34 and developed a strategy to talk with key individuals about the barriers and feedback	2.25	C	I
Indian Child Welfare Act & Haaland v Brackeen 3/27/23	A guest speaker joined the ATJ Delivery System Committee to report on the Indian Child Welfare Act & Haaland v Brackeen case and potential issues	2	NC	I
2023 ATJ Conference Planning (7/18/2022)	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning (8/3/2022)	Planning meeting for the 2023 ATJ Conference	3.5	NC	I
2023 ATJ Conference Planning (8/8/2022)	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning (8/11/2022)	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning (9/8/2022)	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference	Planning meeting for the 2023 ATJ Conference	1	NC	I

Planning (10/5/2022)				
2023 ATJ Conference Planning (10/13/2022)	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning (11/2/2022)	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning (11/10/2022)	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning (12/7/2022)	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning (12/8/2022)	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning 8/23/22	Toured Tacoma Convention Center	2	NC	I
2023 ATJ Conference Planning 8/24/22	Planning meeting for the 2023 ATJ Conference	1	NC	I
2023 ATJ Conference Planning 9/14/22	Planning meeting for the 2023 ATJ Conference	1	NC	I
2023 ATJ Conference Planning 10/10/22	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 11/9/22	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 11/22/22	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference	Planning meeting for the 2023 ATJ Conference	1	NC	I

Planning 12/12/22				
2023 ATJ Conference Planning 1/12/23	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning 1/18/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 1/26/23	Planning meeting for the 2023 ATJ Conference	1	NC	I
2023 ATJ Conference Planning 2/1/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 2/8/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 2/9/23	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning 2/28/23	Planning meeting for the 2023 ATJ Conference	1	NC	I
2023 ATJ Conference Planning 3/1/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 3/7/23	Planning meeting for the 2023 ATJ Conference	1	NC	I
2023 ATJ Conference Planning 3/8/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 3/9/23	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning 4/4/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 4/5/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 4/13/23	Planning meeting for the 2023 ATJ Conference	3	NC	I

2023 ATJ Conference Planning 4/14/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 4/19/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 4/25/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 5/2/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 5/3/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 5/8/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 5/10/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 5/11/23	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning 6/6/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 6/7/23	Planning meeting for the 2023 ATJ Conference	2	NC	I
2023 ATJ Conference Planning 6/8/23	Planning meeting for the 2023 ATJ Conference	3	NC	I
2023 ATJ Conference Planning July 2022-2023	Total estimated staff time between meetings to work on tasks, logistics, preparation, communication, etc.	106	NC	I

BOARD OF GOVERNORS MEETINGS

Date	Activity	Percentage of Meeting Time
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7/22/2022	Opportunity to sign on to recommendations for the Commission for Judicial Conduct	3.114%
9/22/2022-9/23/2022	ABA Annual Meeting Report	2.277%
11/5/2022	Approve Legislative Review Committee Recommendations	4.34%

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Alec Stephens, At-Large Governor and Equity & Disparity Work Group Chair
DATE: August 21, 2023
RE: Final Report & Recognition of the Equity and Disparity Work Group

Final Update: Final Report & Recognition of the Equity and Disparity Work Group

The Equity & Disparity (E&D) Work Group was tasked with (1) reviewing rules, regulations, and laws related to the practice of law and administration of justice to identify ones that impede real justice and fairness and (2) propose solutions that mitigate harm caused by unjust rules and procedures to go before the BOG.

Two subcommittees were formed to work on specific projects related to the full work group's charter: the Experiences of Justice Systems Subcommittee and the GR 12.2(c) Subcommittee.

The **Experiences of Justice Systems Subcommittee, Chaired by Kim Sandher**, took up the topic of advocacy for continued remote court procedures, post-pandemic, to decrease disparity and expand access to civil and criminal legal services. The subcommittee brought its proposal to the Board of Judicial Administration (BJA) on April 21, 2022, and on May 20, 2022 the BJA agreed to include the issue (continued hybrid court access) as one of its two strategic initiatives for that year.

The **GR 12.2(c) Subcommittee, Chaired by Laura Sierra** identified GR 12.2(c) as a regulation related to the practice of law and administration of justice that impedes real justice and fairness. After many months of meetings and review, the GR 12.2(c) Subcommittee submitted a proposal to amend General Rule 12.2(c) to modify the definition of WSBA-prohibited activities to directly align with the court's regulatory objectives and rules defining the WSBA's purposes and authorized activities. The proposal was presented for the BOG to consider at its March 2023 meeting for notice, at the July 2023 BOG meeting for first read, and for final action on second read in August 2023. At its August meeting, the BOG approved the proposed change, which will now be submitted to the Supreme Court for its consideration and possible publication for comments.

With a presentation of the recommended revision of GR12.2(c) at the March 4, 2023 meeting of the Board of Governors, the work of the Equity and Disparity Work Group was concluded.

Background

In June 2020, the Washington State Bar Association's (WSBA or the Bar) Board of Governors (the BOG), created the Equity & Disparity Work Group (the E&D Work Group) "to reckon with the harsh reality that laws, policies, and procedures in place in the legal system have historically led to disparate and inequitable results that disproportionately harm people of color. Achieving equity is impossible without meaningful access to justice,

which necessitates addressing historical harms and challenging laws that facilitate injustices. As active participants in these systems, legal professionals are morally obligated to disrupt these gaps in justice.” The Washington Supreme Court’s [June 4, 2020, open letter](#) further informs the work of the E&D Work Group and the obligations of all legal practitioners in Washington state.

With this background, the E&D Work Group was tasked with (1) reviewing rules, regulations, and laws related to the practice of law and administration of justice to identify ones that impede real justice and fairness and (2) propose solutions that mitigate harm caused by unjust rules and procedures to go before the BOG.

The E&D Work Group’s charter stated that the group’s work was to end in September 2022. However, during the September 2022 BOG meeting, the work group’s charter was extended with approval of the consent calendar to allow for continued work on the GR 12.2(c) Subcommittee’s ongoing project.

Members

Members and individuals who were involved in the Equity and Disparity Work Group for part or all of the time of its charter include:

Alec Stephens (chair of the Equity & Disparity Work Group), **Kim Sandher** (chair of the Experiences of Justice Systems Subcommittee), **Laura Sierra** (chair of the GR 12.2(c) Subcommittee), **Terra Nevitt** (WSBA Executive Director), **Sara Niegowski** (WSBA Chief Communications & Outreach Officer), **p hardy** (former WSBA Equity and Justice Lead), **Barbara Nahouraii** (staff liaison to the Experiences Subcommittee), **Kirsten Lacko** (staff liaison to the GR 12.2(c) Subcommittee), **Hunter Abell** (WSBA governor and current president-elect), **Rajeev Majumdar** (former WSBA president), **Annette Clark** (former Dean of the Seattle University of School of Law), **Jefferson Coulter** (WSBA Court Rules and Procedures Committee), **Angelica Gonzalez** (Latina/o Bar Association of Washington), **Melissa Hall** (QLaw Association), **Monte Jewell** (WSBA Committee on Professional Ethics), **Joanne Kalas** (Vietnamese Bar Association of Washington), **Judge David Keenan** (Access to Justice Board), **Jonathan Ko** (Washington Attorneys with Disabilities Association), **Dr. Susan Le** (Gonzaga University School of Law), **Molly Matter** (WSBA Civil Rights Section), **John Meyers** (Vietnamese Bar Association of Washington), **Ron Park** (Korean American Bar Association of Washington), **Judge Rania Rampersad** (South Asian Bar Association of Washington), **Chalia Stallings-Ala’ilima** (WSBA Civil Rights Section), **Rebecca Stith** (WSBA Council on Public Defense), **Patricia Sully** (University of Washington Tacoma Legal Pathways), **Bruce Turcott** (Board of Bar Examiners), **Mir Tariq** (WSBA Practice of Law Board), **Aileen Tsao** (Asian Bar Association of Washington), **Ailene Limric** (At-Large; Filipino Lawyers of Washington), and **Patrice Kreider-Hughes** (At-Large).

Community Input

Prior to final action on its proposal, the **GR 12.2(c) Subcommittee** conducted a feedback gathering process intending to reach five groups: members of minority bar associations (MBAs), Sections, and WSBA committees and boards; members of county bar associations; and members of the WSBA. Responses came from individual WSBA members; individual members of the Civil Rights Law Section, the Low Bono Section, the World Peace Through Law Section, the Board of Bar Examiners, the Court Rules and Procedures Committee, and the Committee on Professional Ethics; and from groups such as MAMA Seattle, the DEI Council, the Practice of Law Board, and the Korean American Bar Association. A record of those comments is included in the materials for action by the Board of Governors at the August 12, meeting.

Attachments

About the Equity & Disparity Workgroup from WSBA Website

Equity and Disparity Workgroup FY21 Annual Report 10-18-21

June 2020 Board Resolution: WSBA Response to the National Dialogue on Racism and Unlawful Use of Force

Equity & Disparity Workgroup Update 11-5-2020

Submittal of Equity and Disparity Workgroup Report on Hybrid Court and Issue Statement

Equity & Disparity Work Group

Responding to the murders of George Floyd, Breonna Taylor, Tony McDade, Charleena Lyles, Manuel Ellis, and countless others by police officers, the nationwide uprisings addressing virulent racism in the United States, as well as the COVID-19 pandemic and resulting economic devastation, the WSBA Board of Governors created the Equity & Disparity Work Group in June 2020.

On June 4, 2020, the Washington Supreme Court issued an open letter in response to many of these same events. The letter states, in part: “We call on every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.

The goal of the Equity & Disparity Work Group is to reckon with the harsh reality that laws, policies, and procedures in place in the legal system have historically led to disparate and inequitable results that disproportionately harm people of color. Achieving equity is impossible without meaningful access to justice, which necessitates addressing historical harms and challenging laws that facilitate injustices. As active participants in these systems, legal professionals are morally obligated to disrupt these gaps in justice.

The Equity & Disparity Work Group seeks to review rules, regulations, and laws related to the practice of law and administration of justice by identifying ones that impede real justice and fairness. The Equity & Disparity Work Group will then propose solutions that mitigate harm caused by unjust rules and procedures to go before the Board of Governors.

Work Group Structure and Timeline

Work Group Roster

Composition

Work Group Chair: Alec Stephens

Subcommittee Chairs:

- Laura Sierra (GR 12.2)
- Kim Sandher (Experiences of the Justice System)

The Equity & Disparity Work Group membership consists of legal professionals that represent marginalized communities in the profession, as well as in society. This Work Group seeks to amplify the experiences of people that are closest to the problems and allow for solutions that can effect positive change for the legal system.

Charter:

- Review the rules, regulations, and laws related to the practice of law and the administration of justice;

- Identify the ones that facilitate injustice;
- Solicit feedback from stakeholders, especially from marginalized communities; and
- Propose remedies that the WSBA can advance pursuant to its mandate in GR 12.2.

Timeline

- The Work Group will report to the Board of Governors every six months on its progress.
- The Work Group will submit final written majority and minority reports with recommendations for rule changes to the Board of Governors by no later than the Board's September 2022 meeting. [Extended by the Board of Governors to the March 2023 meeting.]
- The Work Group will prepare and submit any rule changes supported by the Board of Governors to the Washington Supreme Court per GR9 requirements.

Source: WSBA Website-- Home/Connect & Volunteer/**Committees, Boards & Other Groups**



On June 26, 2020, the Washington State Bar Association adopted the following resolution:

WSBA RESPONSE TO THE NATIONAL DIALOGUE ON RACISM AND UNLAWFUL USE OF FORCE

The ongoing tragedy in our country concerning racism and the resultant unequal application of the laws to different members of our society is an issue that the WSBA is dedicated to confronting and engaging on. The Supreme Court has specifically charged the WSBA with: promoting an effective legal system, accessible to all;¹ and promoting diversity and equality in the courts and the legal profession.²

We have received the messages of many groups of our members that have been sent to us including statements by:

1. [WSBA Civil Rights Section](#)
2. [WSBA Council on Public Defense](#)
3. [The Access to Justice Board](#)
4. [Loren Miller Bar Association](#)
5. [Filipino Lawyers of Washington](#)
6. [Korean American Bar Association](#)
7. [Latina/o Bar Association of Washington](#)
8. [QLAW Association and QLAW Foundation](#)
9. [South Asian Bar Association of Washington](#)
10. [Vietnamese American Bar Association of Washington](#)
11. [Washington Women Lawyers](#)
12. [Association of Washington Assistant Attorneys General and the Solidarity Caucus of the Professional Staff Organizing Committee](#)
13. [Washington State Bar Foundation](#)

And, on June 4, 2020, Washington's Supreme Court called on us to recognize that *"the legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will. The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all."* The Washington State Bar Association deeply appreciates the leadership of our Supreme Court and their signaling of the priorities our profession should dedicate itself to tackling.

On June 3, 2020, our President sent a message to the membership regarding the challenges facing our nation and our profession. An excerpt from that reads:

The killing of George Floyd at the hands of Minneapolis police officers—who have now been charged with murder—has stirred all too familiar unresolved tensions and conflict in our society over racism

¹ GR 12.2(a)(2)

² GR 12.2(a)(6)

and the use of violence. Faced with weeks of isolation at home due to the coronavirus, a potential economic downturn, rapidly rising unemployment rates, and mistrust and misinformation about legal rights, many people in our country are left feeling hopeless, powerless, and fearful of speaking up. The result is a continued cycle of violence and defensiveness, ever more fraying the fabric of our society.

There is no equity without access to the justice our legal system can provide, and there is no access to justice without our profession doing its part to solve problems. It is up to each one of us to stand up and speak for others who cannot so that we may substitute true dialogue and good policy for violence in our society. That is the very point of an effective legal system, and as officers of that system we bear a large share of the burden in its failures if each of us do not work to ever reform it.

The Governing Body of the WSBA affirms and joins the President's message to the membership and dedicates that the organization will redouble its efforts to support our members in their practices and the judiciary's independence such that both members and judges can have the freedom to stand up and speak.³ The WSBA supports our members in striving to be paragons of ethics and professionalism in crafting lawful solutions to the problems our society is wrestling with.⁴ We as an organization will recommit our efforts to provide educational and wellness services to all of our members, including the judiciary, to support them through this time, recognizing that many of them are directly impacted by the injustice that persists in our nation.

Since 2004, WSBA has followed an interpretation of General Rule 12.2(c)(2) that was adopted by the Board of that time. Throughout the years, this rule has been a challenging part of the debate on the WSBA's ability to weigh-in broadly on significant issues that may in fact relate to the practice of law and administration of justice, such as institutional racism. Much has changed since 2004 and it seems appropriate in light of the Court's statement to ask whether WSBA's engagement on these issues is done in the best way to serve its members and the public. Therefore, we direct the Task Force charged with beginning a collaborative discussion with Court regarding delegated administrated entities to also discuss the interpretation of GR 12.2(c)(2) with the Court.

Further, the WSBA stands with its employees in these difficult times. As the people who support our members, and the work of our volunteer policy making bodies, we recognize that our employees are steadfastly doing their work in the face of the great strains of first the global pandemic, and now the international acknowledgment of the racial inequity and violence that persists in our society. We recognize that some of our employees have experienced racism and violence directly. In response to these extraordinary times we support and direct our interim Executive Director and President in providing support for our employees.⁵

On this day, the WSBA has also passed the following items as part of our agenda to confront the issues facing our members and society at large:

1. Approval of Public Statement by WSBA Council on Public Defense;
2. Proposed a new Mission Statement of the WSBA focused on fostering a legal system accessible to all people equally to send out for stakeholder feedback;
3. [Approval of WSBA Equity & Disparity Workgroup](#);
4. [Approval of Resolution Affirming the Rule 6's Program Value and Role in Providing an Additional Path to Justice for Underrepresented Communities](#);
5. Approval of Resolution of the WSBA in Response to National Dialogue.

³ GR 12.2(a)(1, 3)

⁴ GR 12.2 (a)(4, 9)

⁵ GR 12.2(a)(10)

We hope that our actions today are but the first wave of contributions to moving towards healing the fabric of our society, that the WSBA will engage in over the next several years.

Approved by the WSBA Board of Governors on June 26, 2020.



Rajeev D. Majumdar
WSBA President, 2019-2020

WASHINGTON STATE BAR ASSOCIATION

WSBA ENTITY ANNUAL REPORT

FY 2021: October 1, 2020 – September 30, 2021

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

Instructions: In accordance with the WSBA Bylaws, Committees, Other Bar Entities (excluding Regulatory Boards¹), Councils, and Sections must submit an annual report to the Executive Director. The information below should reflect the activities and outcomes from the fiscal year October 1, 2020 – September 30, 2021. Information in the annual report will be provided to the Executive Director and Board of Governors, and may be published for other purposes, such as *Bar News*, volunteer recruitment messaging, and other WSBA activity-based reporting.

It is recommended that completion of the annual report be a collaborative effort with members of your entity, the BOG liaison, and staff liaison.

Submission Deadline is Friday, October 15: please submit by emailing barleaders@wsba.org or requesting that your staff liaison submit the report internally.

Name of Entity:	Equity and Disparity Workgroup
Chair or Co-Chairs:	Alec Stephens
Staff Liaison: <i>(include name, job title, and department if known)</i>	Barbara Nahouraii, WSBA Equity & Justice Program Lead, Equity & Justice Team
Board of Governors Liaison:	N/A—At-Large Governors are on the Workgroup. As Chair, Alec Stephens is the lead Governor.
Purpose of Entity: <i>May be stated in Bylaws, Charter, Court Rule, etc.</i>	
Review the rules, regulations, and laws related to the practice of law and the administration of justice; Identify the ones that facilitate injustice; Solicit feedback from stakeholders, especially from marginalized communities; and Propose remedies that the WSBA can advance pursuant to its mandate in GR 12.2.	
Strategy to Fulfill Purpose:	
Work has divided into two subcommittees to examine issues and proposed recommendations to the Board of Governors for approval and implementation: Experiences of Justice Systems and Review of GR 12 (particularly GR 12 c.2)	
How does the entity’s purpose help further the mission of the WSBA “to serve the public and the members of the Bar, to ensure integrity of the legal profession, and to champion justice”?	

By the very nature of the subject matter and the reason for the Workgroup’s existence, it furthers the WSBA mission.		
2020-2021 Entity Accomplishments:		
The workgroup is completing year 1 of its 2-year mandate. Recommendations are being developed and issues are being narrowed for drafting of specific recommendations in January 2022.		
Looking Ahead: 2021-2022 Top Goals & Priorities:		
1	N/A	
2	Click or tap here to enter text.	
3	Click or tap here to enter text.	
4	Click or tap here to enter text.	
5	Click or tap here to enter text.	
<p>Please report how this entity is addressing diversity, equity, and inclusion: <i>How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? Other?</i></p>		
<p>The Workgroup was formed with the intentional inclusion of Minority Bar Associations, and its work is centrally focused on issues to address diversity, equity and inclusion.</p>		
<p>Please describe the relationship with WSBA staff and the Board of Governors. <i>For example:</i></p> <ul style="list-style-type: none"> • <i>Quality of WSBA staff support/services</i> • <i>Involvement with Board of Governors, including assigned BOG liaison</i> • <i>Ideas you have on ways WSBA can continue to strengthen/support your entity.</i> 		
<p>The Workgroup was created by the Board of Governors and has given updates to the Board of Governors meetings. Its final report will be to the Board of Governors. At least 3 Governors are on the Workgroup and its chair is a Governor. It has received continuous support from the WSBA Staff, and the Executive Director is an ex-officio member of the Workgroup.</p>		
<p>SECTIONS ONLY: Please quantify your section’s 2020-2021 member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • <i>\$3000 Scholarships, donations, grants awarded;</i> • <i>4 mini-CLEs produced</i> 	Click or tap here to enter text.	Newsletters/publications produced
	Click or tap here to enter text.	Mini-CLEs produced
	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA

	Click or tap here to enter text.	Co-sponsored half-day, full-day and/or multi-day CLE seminars with <i>non</i> -WSBA entity
	Click or tap here to enter text.	Receptions/forums hosted or co-hosted
	Click or tap here to enter text.	Recognitions/Awards given
	Click or tap here to enter text.	New Lawyer Outreach events/benefits
	Click or tap here to enter text.	Other (please describe):

**Entity Detail & Demographics Report:
To Be Completed by WSBA Staff**

Size of Entity:	Click or tap here to enter text.
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Membership Size: (for Sections Only) <i>(As of September 30, 2021)</i>	Click or tap here to enter text.
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Number of Applicants for FY22 <i>(October 1, 2021 – September 30, 2022)</i>	Click or tap here to enter text.
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How many current volunteer position vacancies for this entity?	Click or tap here to enter text.
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FY21 Revenue (\$): For Sections Only: <i>As of September 30, 2021</i>	Click or tap here to enter text.
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Direct Expenses: <i>As of September 30, 2021. For Sections, this does not include the Per-Member-Charge.</i>	Click or tap here to enter text.
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Indirect Expenses:	Click or tap here to enter text.
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FY21 Demographics:
The WSBA promotes diversity, equality, and cultural competence in the courts, legal profession, and the bar, and is committed to ensuring that its committees, boards, and panels reflect the diversity of its membership.

Aside from the factors marked (*), demographic information was provided voluntarily and individuals had the option to not respond to any or all of the factors below.

Disability:	Yes:	No:	No Response:
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Ethnicity:	American Indian/Native American/Alaskan Native:	Asian:	Black/African-American/African Descent:	Hispanic/Latinx:
	Middle-Eastern Descent:	Multi-Racial/Biracial:	Pacific Islander/Native Hawaiian:	White/European Descent:
	Not Listed:	No response:		
Gender:	Female:	Male:	Non-Binary:	Transgender:
	Two-spirit:	Not Listed:	No Response:	
Geographic*:	District 1:	District 2:	District 3:	District 4:
	District 5:	District 6:	District 7S:	District 7N:
	District 8:	District 9:	District 10:	Other:
New/Young Lawyer*:	Yes:	No:		
Sexual Orientation:	Asexual:	Gay, Lesbian, Bisexual, Pansexual, or Queer:	Heterosexual:	Two-spirit:
	Not Listed:	No Response:		

ⁱ The Access to Justice Board (not regulatory, but applicable to the distinction herein) and Regulatory Boards (Disciplinary Board, LLLT Board, Limited Practice Board, MCLE Board and Practice of Law Board) are not required by Bylaws or Court Rule submit an annual report to WSBA. However, as part of the administration of monitoring of Regulatory Boards, the Boards listed herein typically provide an annual report to the Court and WSBA should be provided this same report an annual basis.



WSBA

Washington State Bar Association

EQUITY & DISPARITY WORK GROUP
Experiences of the Justice System Subcommittee Final Report
to the Board of Governors
June 23, 2022

I. BACKGROUND

In June 2020 the Washington State Bar Association’s (WSBA) Board of Governors (the BOG), created the Equity & Disparity Work Group (the E&D Work Group) “to reckon with the harsh reality that laws, policies, and procedures in place in the legal system have historically led to disparate and inequitable results that disproportionately harm people of color.¹ The Washington Supreme Court’s June 4, 2020 open letter further informs the work of the E&D Work Group and the obligations of all legal practitioners in Washington State.²

With this background, the E&D Work Group was tasked with (1) reviewing rules, regulations, and laws related to the practice of law and administration of justice to identify ones that facilitate injustice; (2) soliciting feedback from stakeholders, especially marginalized communities, and (3) propose remedies the WSBA can advance pursuant to its mandate in GR 12.2.

The E&D Work Group created two subcommittees: (1) GR 12.2); and (2) Experiences of the Justice System.

Below is the final report of the Experiences of the Justice System Subcommittee of the E&D Work Group. The Subcommittee identified the focus topic of a hybrid court system for selective continued remote court access to decrease disparity and expand access to civil and criminal legal services so certain court hearings and other proceedings can continue to be access remotely post-pandemic.

¹ See [Equity & Disparity Work Group \(wsba.org\)](https://www.wsba.org)

² [Judiciary Legal Community SIGNED 060420.pdf \(wa.gov\)](#)

II. SUBMISSION TO BOARD OF JUDICIAL ADMINISTRATION.

In October 2021, the subcommittee drafted a focus topic issue statement. It outlined a vision, the justice gap issue, and identified benefits of remote access to courts, as well as considerations for courts. It also identified stakeholders and began outreach to solicit feedback from those stakeholders, which was overwhelmingly positive.

In April 2022, Terra Nevitt, who is a member of the subcommittee brought the Board of Judicial Administration (BJA) Strategic Initiative Request for Proposals to the subcommittee's attention. The BJA was in the process of determining its Strategic Initiative(s) for the next two years and asked for proposals for its next initiative. They were looking for a high priority issue for them to act on to bring about meaningful change in administrative policies, practices, or operations for the 2022-2024 period.

Given BJA was established to adopt policies and provide strategic leadership for the courts relating to the administration of justice, the subcommittee voted to submit our focus topic to BJA as a proposal. Our focus topic of a hybrid court system for selective continued remote access seemed like a timely, high priority initiative for BJA to take on given where we are at in the pandemic now. Ms. Nevitt submitted the focus topic as a proposal on April 21, 2022, and notified BJA that we were exploring the topic as well.

BJA evaluated our proposal and placed it second. BJA decided it had the capacity for two initiatives this year and voted on May 20, 2022 that our focus topic would be one of the two they move forward with.

The subcommittee and E&D Work Group consider this a success as BJA is better positioned to move this topic forward.

III. FOCUS TOPIC ISSUE STATEMENT.

A copy of the focus topic issue statement is attached, beginning on Page 3.

EQUITY AND DISPARITY WORK GROUP**EXPERIENCES OF THE JUSTICE SYSTEM SUBCOMMITTEE****FOCUS TOPIC ISSUE STATEMENT**

Subcommittee members: Kim Sandher (Chair), Annette Clark, Jefferson Coulter, Judge David Keenan, Jonathan Ko, Patrice Kreider-Hughes, Dr. Susan Lee, Terra Nevitt, Rebecca Stith, Patricia Sully, Mir Tariq

VISION: HYBRID COURT SYSTEM FOR SELECTIVE CONTINUED REMOTE COURT ACCESS

In an effort to decrease disparity and expand access to civil and criminal legal services, there should be a hybrid in-person/virtual court system so certain court hearings and other proceedings can continue to be accessed remotely post-pandemic.

ISSUE: JUSTICE GAP

Prior to the pandemic, nearly all hearings and other court proceedings were done in person. This sometimes resulted in inequitable access to our legal system for Black persons, other persons of color, and low-income individuals.

In particular, the over-representation of Black Americans in the criminal legal system is well-documented and rooted in America's history of racism and oppression, which continues to manifest itself. Historically, Black Codes[1], vagrancy laws[2], and convict leasing[3], all interrelated, were used to continue post-slavery control over newly freed people. Such discrimination continues today, typically in less overt ways, including through bias and disparity in enforcing seemingly race-neutral laws. For example, while drug possession and distribution rates are similar across racial and ethnic groups, Black people are arrested, prosecuted, and sentenced at a much higher rate than white people[4].

Maintaining these disparities is seriously damaging. As just two examples, a criminal conviction has negative impacts on employability and access to housing and public services, and lack of affordable childcare limits the ability of low-income women to get to court, which highlights the need for flexible court schedules and online access to court[5].

BENEFITS OF REMOTE ACCESS

In 2003, a WA Supreme Court Task Force on Civil Equal Justice Funding found that even back then, nearly half of low-income households had access to and capacity to use the Internet[6]. While the advent of smartphones has greatly increased Internet access for low-income persons in the intervening years, approximately one-quarter of households with incomes below \$30,000 have no smartphone and over 40% of such households lack broadband services or a computer at home[7]. With resources devoted toward providing more such households with, e.g., reconditioned donated smartphones, remote proceedings would enable legal providers to reach difficult-to-serve communities, expand language access, and allow attorneys to spend more time serving clients and less time in transit to and from the courthouse. The availability of remote proceedings could mean the difference between staying in custody or returning home to family and community. It adds accessibility for people with disabilities as well.

CONSIDERATIONS

Remote proceedings can undermine attorney-client relationship, alter perceived credibility of witnesses, lead participants to disengage with the judicial process, and ultimately result in changed outcomes of the case[8].

Attorney-client Relationship: The opportunity for communication and strategizing between attorneys and clients can be reduced prior to, during, and after court proceedings when they are not together in person. This could hinder the attorney's ability to get needed information to make the strongest possible case for their client and the client's ability to ask questions. The technology needs to allow confidential attorney-client communication during proceedings and there should be procedures to facilitate such communication. Judges would also need to go to greater lengths to ensure parties appreciate the significance of proceedings and their options for relief.

No One-size-fits-all³: There is no one-size-fits all approach because courts hear a broad range of cases where remote proceedings will likely pose very different challenges, benefits, and trade-offs. Factors include complexity of a case, time-sensitivity, stakes of a win or loss, type of factfinding required, whether there are detained individuals involved or pro se individuals.

Pro Se Parties: A large portion of civil parties are unrepresented. Not only are they unfamiliar with the court system, but they are also disproportionately likely to have computer literacy. This means

³ Since this document was developed, subcommittee members have been conducting initial outreach to stakeholders. Several stakeholders have noted that the consent of the individual whose liberty or wellbeing is at stake must be a criteria for remote and hybrid proceedings. Note by Terra Nevitt (4/21/22).
Experiences of Justice System
Subcommittee Final Report
Equity and Diversity Work Group

extra steps need to be taken to ensure they can navigate the new system – with additional support or prioritizing opportunities for in-person services.

Remote Pro Bono Services: Continued access to in-court legal support programs should be prioritized because the justice gap is narrowed through innovations such as, for example, legal help-desks that give advice to unrepresented parties and programs that station pro bono counsel in courthouses to provide on-the-spot limited representation. Remote versions of these programs should be prioritized, and extra steps should be taken to publicize these resources and identify parties and other individuals who might benefit from them. Court facilitators seem to be helping in Washington where they are available - they already help pro bono parties in family law and guardianship matters in participating counties[9].

Technology Glitches: Even mundane glitches could have substantial impact on fairness of court proceedings. For example, poor video and sound quality can disrupt cases to the point where due process issues may arise. Courts must have a plan in place to respond to when a party cannot be heard, cannot hear, especially at a critical juncture in their case. This might mean on-call technical support for staff and the public who might be using the system for the first time. Party interests need to be placed above efficiency and case conclusion so that parties are not penalized for technological difficulties. Guidelines may be needed to determine when a proceeding has failed to meet a minimum level of technical quality to be considered fair.

Technology Impacts: Credibility or other fact finding can be impacted by how defendants, witnesses, or parties appear on screen, including their backdrop, lighting, and sound. Standards should be considered to ensure technology doesn't unfairly disadvantage litigants. This might require establishing access points for people without quality technology at home or where a witness can go to avoid the concern of witnesses being coached or reading from a script.

Barriers for People with Disabilities. While remote access could add accessibility for people with disabilities, it could also present a barrier for people with audio/visual disabilities.

Persistent Digital Divide: There are large disparities in access to technology by income, race, and geography. People with disabilities may also face obstacles. For example, studies show in the use of remote education platforms, Black and Latino students, English language learners, and students facing housing instability accessed remote technology at reduced rates in some districts. Thus, any proposals should be flexible and understanding that substantial populations, especially historically marginalized communities, may not easily transition to remote proceedings or may have difficulty using resource-intensive technology like video.

Remote Service Quality: Services like remote interpreter services need to be of sufficient quality. Court administrators have reported non-English speakers have a more difficult time understanding and communicating with remote interpreters, which the Washington Supreme Court has taken steps to address[10].

Sensitive Cases: Some types of cases may require a cost benefit analysis and some aspects of a case might be too crucial or sensitive to conduct remotely. They may be resolved by requiring meaningful consent of all parties to move forward.

Evidence: Documentary and other evidence could be more difficult to present, and examining witnesses and determining the reliability of witness testimony could be diminished.

Constitutional Rights/Privacy: These rights need to be factored in, especially for criminal cases. The public has a right to hearings, but it might be difficult to seal a proceeding that was previously streamed to the public. It is also a concern that people could record proceedings with their phone and information could be used to, for example, deny a person a job or housing.

Type of Cases: Categories of cases should be evaluated separately to strike the right balance. For example, an uncontested divorce will raise different fairness considerations than an eviction from someone's home.

Type of Hearings: The cases would also need to be context-specific and judges would need to be cautious depending on the types of hearings and the stakeholders most impacted by reliance on remote-access technology. For example, a status conference will have different considerations than an evidentiary hearing.

Court Resources: Court dockets were full prior to the pandemic and became significantly backlogged because of the pandemic, but the allocated resources are the same or fewer, especially because of tax revenues reduced by the pandemic. Not all courts have access to or the budget for optimum remote-access technology. Some state courts still do not allow e-filing of documents or even telephonic hearings, although this may improve soon[11].

Lack of Uniform Court System: There is little to no uniformity among courts and court operations in Washington.

STAKEHOLDERS:

Members of communities most likely to suffer if remote proceedings go poorly:

- Communities of color
- Immigrant communities
- Communities of people with disabilities
- Communities that don't have access to technology
- Low-income communities

Community advocates

Public defenders and prosecutors

Civil legal service providers

Tenant representatives

Survivors of domestic violence

Public health experts

Disability rights advocates

Court employees

RESOURCES:

Washington Courts Gender and Justice Commission

Washington Race Equity & Justice Initiative

Benefits Law Center

Black Alliance of Thurston County

Center for Children & Youth Justice

Columbia Legal Services

Communities Rise

Council on Public Defense

Cowlitz-Wahkiakum Legal Aid

District and Municipal Court Judges Association

Resolution Washington

Eastside Legal Assistance Program

Endowment for Equal Justice

Fair Work Center

JustLead Washington

King County Prosecuting Attorney's Office

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Lavender Rights Projects

Legal Counsel for Youth and Children

Legal Foundation of Washington

Legal Voice

Northwest Consumer Law Center

Northwest Immigrant Rights Project

Northwest Justice Project

Office of Civil Legal Aid

Civil Legal Aid Oversight Committee

QLaw Foundation of Washington

QLaw Association of WA

Racial Justice Consortium

Seattle University School of Law

Solid Ground

Spokane Community Against Racism (SCAR)

Superior Court Judges Association

TeamChild

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Thurston County Volunteer Legal Services (TCVLS)

University Legal Assistance

Washington Defender Association

Washington State Access to Justice Board

Washington Court Management Association

Washington State Human Rights Commission

Washington State Office of Public Defense

Washington State Pro Bono Council

Washington State House of Representatives

Administrative Office of the Courts

Social and Economic Sciences Research Center, Washington State University

[1] Under such Codes, a Black person could not vote, testify in court, serve on juries, or exercise many other rights enjoyed by white persons. See, e.g. Texas Black Codes, https://www.digitalhistory.uh.edu/disp_textbook.cfm?smtid=3&psid=3681

[2] Vagrancy laws targeted newly freed Black persons, which meant, for example, that any Black person who could not prove he or she worked for a white employer could be arrested, convicted,

and forced into dangerous labor conditions. *See, e.g.*, Slavery by Another Name History Background, https://bento.cdn.pbs.org/hostedbento-prod/filer_public/SBAN/Images/Classrooms/Slavery%20by%20Another%20Name%20History%20Background_Final.pdf.

[3] This was a system of incarceration administered by both state governments and private industry, which allowed enslavement of people who had been convicted of a “crime” – such as “walking without a purpose” or “walking at night”, disorderly conduct, keeping and visiting disorderly houses, drunkenness, etc. *See, e.g.*, Convict Leasing <https://eji.org/news/history-racial-injustice-convict-leasing>

[4] Race, Mass Incarceration, and the Disastrous War on Drugs (2021), <https://www.brennancenter.org/our-work/analysis-opinion/race-mass-incarceration-and-disastrous-war-drugs>

[5] Washington Courts Gender and Justice Commission 2021: How Gender and Race Affect JusticeNow: https://www.courts.wa.gov/subsite/gjc/documents/GJ_Study_Fact_Sheet_English.pdf

[6] The Washington State Civil Legal Needs Study (2003), <https://www.courts.wa.gov/newsinfo/content/taskforce/civillegalneeds.pdf>

[7] Digital divide persists even as Americans with lower incomes make gains in tech adoption (2021), https://www.brennancenter.org/sites/default/files/2020-09/Principles%20for%20Continued%20Use%20of%20Remote%20Court%20Proceedings%20final_0.pdf

[8] Principles for Continued Use of Remote Court Proceedings (2020), https://www.brennancenter.org/sites/default/files/2020-09/Principles%20for%20Continued%20Use%20of%20Remote%20Court%20Proceedings%20final_0.pdf

[9] Courthouse Facilitators, https://www.courts.wa.gov/committee/?fa=committee.home&committee_id=108

[10] *In the Matter of the Suggested Amendment to GR 11.3—Remote Recording*, Order No. 25700-A-1325 (Wash. 2020), https://www.courts.wa.gov/court_rules/adopted/pdf/25700-A-1325.pdf^[r1]

[11] Statewide Electronic Filing is on the Way to Washington Courts (2021), <https://nwsidebar.wsba.org/2021/03/17/statewide-electronic-filing-is-on-the-way-to-washington-courts>

Presenter Biographies

JON LEE is Associate Professor of Law at the University of Maine School of Law and a recognized scholar of both legal ethics and intellectual property law. Prior to his current position, he served on the faculties of the University of Oklahoma College of Law, the University of Minnesota Law School, and the University of North Carolina School of Law. He has also served in a number of law school leadership roles, including as the Assistant Dean of Academic Excellence at North Carolina. Before starting his teaching career, he clerked for the Honorable Roger L. Gregory of the United States Court of Appeals for the Fourth Circuit and served as an officer in the North Carolina Army National Guard. His national service includes work with the National Conference of Bar Examiners, American Association of Law Schools, and Law School Admissions Council.

DANETTE WALLER MCKINLEY, PhD, is Director of Diversity, Fairness, and Inclusion Research for the National Conference of Bar Examiners (NCBE). She is the staff lead for NCBE's Diversity and Inclusion Committee and coordinates, directs, and monitors the NCBE research agenda. Dr. McKinley has conducted research on the licensure and certification of health professionals for more than 30 years, and she was responsible for developing and implementing a research agenda that supports the missions, advocacy efforts, innovation endeavors, and thought leadership activities of the Educational Commission for Foreign Medical Graduates and its Foundation for Advancement of International Medical Education and Research. Dr. McKinley received her BA from Williams College, her MA in educational research methodology from the University of Pittsburgh, and her PhD in educational psychology from Temple University.

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NextGen Bar Exam Fact Sheet

About the NextGen Bar Exam

- Set to debut in July 2026, the NextGen bar exam will test a broad range of foundational lawyering skills, utilizing a focused set of clearly identified fundamental legal concepts and principles needed in today’s practice of law.
 - Fundamental concepts and principles: civil procedure, contract law, evidence, torts, business associations, constitutional law, criminal law, real property.
 - Foundational lawyering skills: legal research, legal writing, issue spotting and analysis, investigation and evaluation, client counseling and advising, negotiation and dispute resolution, client relationship and management.

See <https://nextgenbarexam.ncbex.org/reports/content-scope/> for detailed outlines of the legal doctrine and skills that will be tested on the NextGen bar exam and <https://nextgenbarexam.ncbex.org/nextgen-sample-questions/> for sample questions

- The skills and concepts to be tested were developed through a multi-year, nationwide legal practice analysis, focused on the most important knowledge and skills for newly licensed lawyers (defined as lawyers within their first three years in practice). The practice analysis surveyed over 14,000 attorneys, focusing on both seasoned attorneys supervising newly licensed attorneys and newly licensed attorneys themselves.
- In considering the breadth of topics to be covered within each concept and skill area, a 21-member content scope committee comprised of law professors and deans, practicing attorneys, and judges primarily considered the following three factors:
 - Frequency: How often is a newly licensed lawyer likely to encounter the topic in general entry-level practice (loosely defined as solo practice or working at a full-service law firm)?
 - Universality: How likely is a newly licensed lawyer to encounter the topic in more specialized types of entry-level practice?
 - Risk: How likely is it that there will be serious consequences if a newly licensed lawyer does not have any knowledge of the topic when it arises?

- In addition to the factors listed above, for the subject of constitutional law the content scope committee also considered lawyers' roles as custodians of the US Constitution.
- Designed to balance the skills and knowledge needed in litigation and transactional legal practice, the exam will reflect many of the key changes that law schools are making today, building on the successes of clinical legal education programs, alternative dispute resolution programs, and legal writing and analysis programs.
- The NextGen bar exam is currently under development utilizing a rigorous process that includes multiple phases of pilot and field testing and statistical analysis. The development process is being conducted in accordance with the same best practices in licensure exam development utilized by a broad range of exams, including those for medicine, dentistry, pharmacy, engineering, accounting, and other licensed professions.
- Questions for the NextGen bar exam are written by diverse teams of law professors and deans, practicing attorneys, and judges drawn from jurisdictions throughout the US.
- Like the current bar exam, the NextGen bar exam will be administered, and the written portions graded, by the individual US jurisdictions. NCBE will provide the technology platform to conduct the grading, taking advantage of the latest advances in grading best practices and technology.
- The exam will be taken on examinees' own laptops at in-person, proctored testing locations. A secure, online assessment platform will be used to present the exam and to collect examinees' responses. The platform will offer a range of assistive technologies and custom created formats for examinees who require testing accommodations.
- The NextGen bar exam will be equated to ensure comparability across administrations and between jurisdictions and can be paired with additional bar exam components developed independently by the administering jurisdictions. The NextGen bar exam may be used by individual jurisdictions as the basis for scaling their own bar exam components.
- For more information on the NextGen bar exam, visit <https://nextgenbarexam.ncbex.org/>.

About the Current Bar Exam

- All 56 US jurisdictions (all US states, the District of Columbia, Guam, Northern Mariana Islands, Palau, Puerto Rico, and the US Virgin Islands) administer a bar exam as part of their requirements for licensure to practice law. 54 of those jurisdictions use one or more of the bar exam components developed by NCBE.
- The bar exam components developed by NCBE are the Multistate Essay Examination (MEE), which consists of six 30-minute essay questions; the Multistate Performance Test (MPT), which consists of two 90-minute items; and the MBE, a six-hour, 200-question multiple-choice exam.

- Some jurisdictions include jurisdiction-specific components in their bar exams (e.g., locally authored essay questions or performance tests).
- The MEE, MPT, and MBE are developed by NCBE in collaboration with teams of law professors and deans, practicing attorneys, and judges drawn from jurisdictions throughout the US. Each of these components is subjected to external expert review, bias review, and statistical analysis to ensure that all test takers have a fair opportunity to demonstrate their knowledge and skills. The content of the NCBE-developed exam components is regularly reviewed for currency and relevance to bar admissions and early practice; the most recent study of bar exam content was conducted in 2018 and 2019 and also forms the basis for the NextGen bar exam.

About the Uniform Bar Examination

- The Uniform Bar Examination (UBE) is coordinated by NCBE and comprised of the MEE, the MPT, and the MBE. It is uniformly administered, graded, and scored and results in a portable score that can be transferred between participating UBE jurisdictions.
- The UBE was first administered in 2011. As of February 2023, 41 jurisdictions participate in the UBE program. For a list of all UBE jurisdictions, visit <https://www.ncbex.org/exams/ube/>.
- Over 42,000 candidates took the UBE in 2022. Through July 2023, nearly 250,000 UBE scores have been earned and over 50,000 UBE scores have been transferred, obviating the need for candidates to re-take the bar exam in one or more additional jurisdictions.
- The NextGen bar exam will take the place of the current UBE components for purposes of inter-jurisdictional score portability.

About the National Conference of Bar Examiners

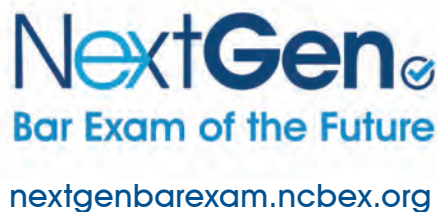
- The National Conference of Bar Examiners (NCBE), headquartered in Madison, Wisconsin, is a not-for-profit corporation founded in 1931.
- NCBE promotes fairness, integrity, and best practices in bar admissions for the benefit and protection of the public, in pursuit of its vision of a competent, ethical, and diverse legal profession.
- Best known for developing bar exam content used by 54 US jurisdictions, NCBE serves admission authorities, courts, the legal education community, and candidates by providing high-quality assessment products, services, and research; character investigations; and informational and educational resources and programs.
- In 2026, NCBE will launch the next generation of the bar examination, ensuring that the exam continues to test the knowledge, skills, and abilities required for competent entry-level legal practice in a changing profession.

- Public contact information: www.ncbex.org, contact@ncbex.org, 608-280-8550



Background Information on the Next Generation of the Bar Examination

Prepared by the National Conference of Bar Examiners
Fall 2023





National Conference
of Bar Examiners

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Background Information

The next generation of the bar exam is currently under development by the National Conference of Bar Examiners (NCBE). This document provides an overview of the development process and includes an appendix of additional information that the reader may find useful.

NCBE Testing Task Force

The Testing Task Force was appointed in 2018 by Chief Justice Rebecca White Berch (ret. AZ), the NCBE Board of Trustees' then chair. The Testing Task Force was charged with undertaking a comprehensive three-year study to ensure the bar exam continues to test the knowledge, skills, and abilities required for competent entry-level legal practice in a changing profession.

The study had three phases, and input from stakeholders was gathered during each phase.



Phase 1: Listening sessions were held with more than 400 stakeholders from bar admission agencies, Supreme Courts, the legal academy, and attorneys from across the country.



Phase 2: A nationwide practice analysis was completed by nearly 15,000 lawyers, who provided data on the work performed by newly licensed lawyers and on the knowledge and skills needed for early-career competence. A comprehensive and substantive practice analysis is vital to establishing a relevant content domain in any professional licensure exam.¹ For the next generation bar exam practice analysis, which provided critical information to ensure the validity of the new exam, the Testing Task Force commissioned a survey of both lawyers new to practice and those who supervise them to capture current practices and identify future trends in the profession.



Phase 3: Two committees composed of bar admission representatives, legal educators, and legal practitioners evaluated the data produced in Phases 1 and 2 to provide input on what content the bar exam should test and when and how that content should be assessed.

¹ Standard 11.13 in the *Standards for Educational and Psychological Testing* states, "The content domain to be covered by a credentialing test should be defined clearly and justified in terms of the importance of the content for credential-worthy performance in an occupation or profession. A rationale and evidence should be provided to support the claim that the knowledge or skills being assessed are required for credential-worthy performance in that occupation and are consistent with the purpose for which the credentialing program was instituted." See www.apa.org/science/programs/testing/standards.

Content and Structure

In Phase 3, two committees were convened for the purpose of discussing test content and design issues:

- **Blueprint Development Committee:** Both newly licensed and experienced practitioners who applied their professional judgment and experience to recommend what content should be tested.
- **Test Design Committee:** Legal educators and bar admission representatives who recommended how that content should be assessed and provided input on an effective design for the exam.

Content

The Testing Task Force [recommended assessment of the skills and knowledge areas](#) below:

Eight Foundational Concepts and Principles	Seven Foundational Skills
<ul style="list-style-type: none"> • Civil Procedure • Contracts • Evidence • Torts • Business Associations • Constitutional Law • Criminal Law • Real Property 	<ul style="list-style-type: none"> • Legal Research • Legal Writing • Issue Spotting and Analysis • Investigation and Evaluation • Client Counseling and Advising • Negotiation and Dispute Resolution • Client Relationship and Management

Structure

Based on the work of the Blueprint Development and Test Design Committees, the Testing Task Force also recommended the use of an integrated exam structure to assess both legal knowledge and skills holistically in a single, practice-related examination.

An integrated exam permits use of scenarios that are representative of real-world legal problems that newly licensed lawyers encounter in practice. Realistic scenarios are used in the current exam, but in discrete components comprised of stand-alone items, whereas an integrated exam includes item sets and a combination of item formats (e.g., selected-response, short-answer, and extended constructed-response items) within the same component.

The concept of an integrated assessment model was further supported by NCBE's Technical Advisory Panel, a group of external psychometric experts. Members of the Technical Advisory Panel were given the opportunity to review and comment on the Blueprint Development and Test Design Committees' recommendations and recognized a recurring theme pointing to the concept of integrated assessment design. Members observed that integrated assessment is not a novel concept and is already employed in academia and in high-stakes licensure assessments used in other professions.

NCBE Testing Task Force Recommendations

Following completion of the three phases, the Testing Task Force presented its recommendations via a [report released publicly on its website](#). In January 2021, the NCBE Board of Trustees approved the Testing Task Force's recommendations and announced initiation of the next phase of exam development. The process to implement the recommendations is expected to take five years.

Implementation Steering Committee

Following approval of the Testing Task Force's recommendations, NCBE appointed the Implementation Steering Committee, which has general oversight of the implementation of the next generation of the bar exam and will help ensure fidelity to the Testing Task Force study's findings and recommendations.

Four internal workgroups were established to coordinate with the Implementation Steering Committee to address aspects of implementation and transition:

- Test Development and Psychometrics
- Diversity, Fairness, and Inclusion
- Test Delivery and Operations
- Strategy, Coordination, and Outreach

Fairness

Principles of fairness in testing are essential elements of both the current and the next generation bar exam. Fairness considerations are embedded throughout the work on the exam.

Scope of Coverage

After an open invitation and application process, the Implementation Steering Committee selected legal educators and practitioners to form the Content Scope Committee. The Content Scope Committee was tasked with delineating the scope of coverage of the Foundational Concepts and Principles and Foundational Skills designated for inclusion on the new exam for purposes of producing the Test Content Specifications, which will be used to write appropriate test items and to inform applicants, law schools, and jurisdictions of the specific topics covered on the exam.

Content Scope Outlines

The Content Scope Outlines are intended to inform stakeholders of the scope of the topics to be assessed in the eight Foundational Concepts and Principles and of the lawyering tasks to be assessed in the seven Foundational Skills on the next generation of the bar exam. In 2021, NCBE appointed a Content Scope Committee to make recommendations regarding the breadth and depth of the topics and tasks to be tested.

Through a public comment process that closed in April 2022, NCBE sought stakeholder input on whether there were any significant oversights in the outlines of topics and lawyering tasks identified for assessment. 394 stakeholders—including law school deans, faculty, and administrators; practicing attorneys; judges and justices; law students; and bar examiners and admission staff—submitted comments on the outlines, which were accessed on our website more than 1,600 times. NCBE reviewed the comments and evaluated whether revisions should be made to the outlines based on the comments. Following this review, the final Content Scope Outlines were published on the NextGen website. These outlines are available online at <https://nextgenbarexam.ncbex.org/reports/content-scope/>.

Test Content Specifications

The Content Scope Outlines were the first step in preparing the Test Content Specifications—the “blueprint” for the new exam. The Test Content Specifications will provide more details, such as the sources of law for the topics tested, the weighting or emphasis of the subjects/topics and skills, and sample test questions illustrating how the knowledge and skills may be tested in an integrated design. Additional annotations about what is covered within subjects/topics may also be added. A first set of sample questions is available online at <https://nextgenbarexam.ncbex.org/nextgen-sample-questions/>.

Prototyping and Pilot Testing

Work has begun on three phases of prototype tests for the new exam: pilot testing, field testing, and prototype testing. These phases are designed to assess the effectiveness of new question types in testing the Foundational Concepts and Principles and Foundational Skills. Pilot testing, which is now complete, focused on:

- Determining the impact of providing legal resources during the exam
- Determining how long examinees will need to answer new question types (including time to consult provided resources)
- Developing initial grading rubrics with subject-matter experts

Throughout the pilot-testing phase, NCBE also evaluated the optimal way to provide legal resources within the exam:

- In a way that is fair to all
- Such that they enable candidates to use the resources efficiently in the time allotted

In future phases, NCBE will also:

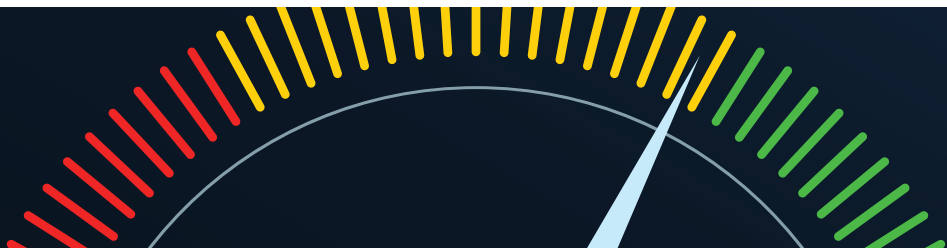
- Determine the best interface/user experience for new question types (delivered on computer)
- Determine the optimal combination of question types and which question types work best for which subject areas and skills
- Test grading rubrics with real bar graders
- Facilitate a standard-setting exercise for jurisdictions



Exam Administration

Based on the technology currently available, the Testing Task Force determined that a computer-based, in-person administration of the bar exam is best suited to ensuring uniform testing conditions for all candidates.

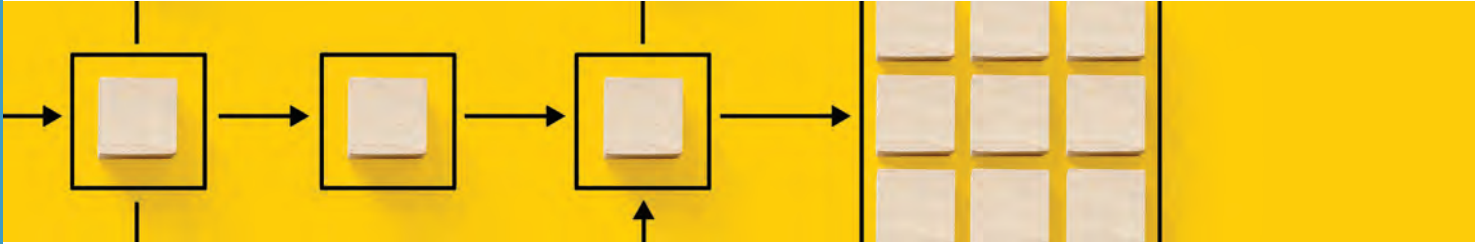
NCBE's commitment to accessibility is one of several reasons the Testing Task Force determined that in-person administration of a computer-based exam is recommended, as accessibility issues can be more readily addressed in an in-person administration environment. Moreover, NCBE has always been committed, and will remain committed, to providing nonstandard test materials to ensure accessibility for candidates with disabilities under the Americans with Disabilities Act, as amended.



Grading and Scoring

A compensatory scoring model will be used to produce a single, combined score, which is consistent with the use of an integrated exam design and the interconnected nature of the competencies being measured. A combined score allows a candidate's areas of strength to compensate for areas of weakness and reflects the candidate's overall proficiency. A compensatory scoring model is used for the current exam, too.

Multiple-choice items and other item formats that can be machine-scored will be scored by NCBE, whereas the constructed-response questions will continue to be graded by bar examiners. NCBE is exploring changes to how constructed-response questions are graded to increase uniformity across jurisdictions and boost reliability of scores.



Transition to the Next Generation of the Bar Exam

Options for Transition

NCBE will work with jurisdictions to develop a rollout plan for transition to the next generation of the bar exam, focusing on the needs of courts, bar admission offices, candidates, and law schools.

Standard Setting

Prior to the first administration of the new exam, NCBE will provide concordance information and conduct a standard-setting study to provide jurisdictions with data on which their courts can base their new passing score decisions.



Ongoing Jurisdiction Input

Jurisdiction Advisory Committee

Following a call for applications from administrators and bar examiners in November 2021, NCBE formed the Jurisdiction Advisory Committee, which provides invaluable input to the Implementation Steering Committee on the many policy issues involved in the transition to the new exam. The Jurisdiction Advisory Committee will also help NCBE gather feedback and information to ensure that the views of all jurisdictions are considered.

Meetings and Conferences

Jurisdiction representatives, including liaison justices, bar examiners, and administrators, have attended a series of presentations and feedback sessions, both online via Zoom and in person at the recent NCBE Annual Bar Admissions Conference. NCBE staff are also available for one-on-one meetings with jurisdiction leadership on request. To arrange a meeting, please contact Judith Gundersen at jgundersen@ncbex.org.



Additional Online Resources

Next Generation of the Bar Examination website

- nextgenbarexam.ncbex.org/

Final Report of the Testing Task Force

- nextgenbarexam.ncbex.org/reports/final-report-of-the-ttf/

Standards for Educational and Psychological Testing

- www.apa.org/science/programs/testing/standards

Content Scope Outlines

- <https://nextgenbarexam.ncbex.org/reports/content-scope/>

Sample Questions

- <https://nextgenbarexam.ncbex.org/nextgen-sample-questions/>

Content Scope Committee

- nextgenbarexam.ncbex.org/announcing-ncbes-content-scope-committee/
- nextgenbarexam.ncbex.org/a-window-into-the-work-of-the-content-scope-committee/

Jurisdiction Advisory Committee

- nextgenbarexam.ncbex.org/ncbe-announces-members-of-the-jurisdiction-advisory-committee/
- nextgenbarexam.ncbex.org/jurisdiction-advisory-committee-holds-kickoff-meeting/

Ensuring Fairness in Assessment (article)

- thebarexaminer.ncbex.org/article/spring-2021/the-testing-column-ensuring-fairness-in-assessment/

New to Bar Admissions? What You Might Like to Know About: Terms Often Used in Reference to the Bar Examination (article)

- thebarexaminer.ncbex.org/article/summer-fall-2021/new-to-bar-admissions/

Standard Setting 101: Background and Basics for the Bar Admissions Community (article)

- thebarexaminer.ncbex.org/article/standard-setting/standard-setting-101-background-and-basics-for-the-bar-admissions-community/

Appendix:

Final Report of the Testing Task Force



National Conference
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Building a competent, ethical,
and diverse legal profession.

FINAL REPORT

OF THE TESTING TASK FORCE

APRIL 2021



TESTING TASK FORCE

National Conference of Bar Examiners



National Conference
of Bar Examiners

Building a competent, ethical,
and diverse legal profession.

The National Conference of Bar Examiners, founded in 1931, is a not-for-profit corporation that develops licensing tests for bar admission and provides character and fitness investigation services. NCBE also provides testing, research, and educational services to jurisdictions; provides services to bar applicants on behalf of jurisdictions; and acts as a national clearinghouse for information about the bar examination and bar admissions.

Our mission

NCBE promotes fairness, integrity, and best practices in admission to the legal profession for the benefit and protection of the public. We serve admission authorities, courts, the legal education community, and candidates by providing high-quality

- assessment products, services, and research
- character investigations; and
- informational and educational resources and programs

Our vision

A competent, ethical, and diverse legal profession.



**TESTING
TASK FORCE**

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ACKNOWLEDGMENTS

Thank you to the following NCBE staff members who helped produce this report: Valerie Hickman, Amy Kittleson, Jim Leach, Mike Petterson, and Tiffany Stronghart.

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FOREWORD BY THE TESTING TASK FORCE CHAIR

It is with great pride that the Testing Task Force presents this Final Report, marking the conclusion of an intensive three-year research study undertaken to identify the legal knowledge and skills entry-level attorneys are expected to have or learn within the first three years of practice, and to determine whether, how, and when those identified competencies should be assessed on a bar examination.

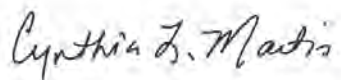
The Testing Task Force undertook this substantial research project beginning in January 2018, consistent with the National Conference of Bar Examiners' commitment to providing high quality, valid, reliable licensure exam materials to jurisdictions that require passage of a bar examination for bar admission. Licensure exam requirements are certainly not unique to the legal profession. All such requirements possess as a common thread the recognition that public protection and confidence in a profession warrant coupling satisfactory performance on a licensure exam with relevant education as conditions of licensure. High-stakes licensure exams are thus an integral part of a professional licensure system that recognizes the important and varied roles played by professional education, post-education assessment, and post-licensure training and continuing education in producing competent licensed professionals to practice in their profession consistent with public protection.

This report marks both an ending and a beginning. The report represents the end of the TTF's work—a substantial research project that produced scientifically supported recommendations for the content, timing, scoring, format, and delivery mode of the bar examination of the future. The TTF's recommendations are exciting and transformative. Most importantly, they are responsive to input gathered through listening sessions, focus groups, scientific surveys, and intensive deliberations. This report will afford the reader with a high-level summary of three years of exhaustive work and should be read collectively with the far more detailed reports published by the TTF along the way.

But this report also marks the beginning of the next chapter: implementation. The TTF's recommendations have been approved by NCBE's Board of Trustees, and over the next four to five years, NCBE will be working diligently to develop the next generation of the bar exam—the NextGen Bar Exam. Implementation of the TTF's recommendations will employ the same transparent, unencumbered, collaborative, empirical methodology that served as the hallmarks of the TTF's study. It will require an enormous amount of work, as is summarized in the closing portions of this report. You can be assured that NCBE's demonstrated dedication to the provision of products and services of unparalleled quality to jurisdictions will continue through the implementation phase of this important project.

It is no casual undertaking, producing licensing exam products that validly and reliably measure whether an entry-level lawyer, who will be afforded a general license to practice, possesses the foundational knowledge and skills required to help ensure public protection. But NCBE has demonstrated time and again its commitment to that objective in the services and products it has provided to jurisdictions. The work of the TTF, and the important work that will be required over the next few years to implement the TTF's recommendations, add to the long history of proactive efforts undertaken by NCBE to capably and professionally serve bar admitting authorities, mindful of the fundamental fairness to which applicants are entitled.

Stay tuned.



Hon. Cynthia Martin

INTRODUCTION

The National Conference of Bar Examiners (NCBE) created the Testing Task Force (TTF) to undertake a comprehensive three-year study to ensure that the bar examination continues to test the knowledge, skills, and abilities needed for competent entry-level legal practice in a changing profession. The primary goal of this research was to identify the foundational knowledge and skills that should be included on the next generation of the bar exam and to determine how and when they should be assessed. However, the TTF expected that its research could also potentially be useful to others involved in educating, training, and mentoring law students and newly licensed lawyers.

The TTF's work was conducted in three phases, starting at the beginning of 2018 and concluding at the end of 2020. It was approached systematically, transparently, and collaboratively—unconstrained by the current bar exam's content and design—with qualitative and quantitative research conducted by external expert consultants.

During Phase 1, the TTF held a series of listening sessions across the country where more than 400 stakeholders from bar admission agencies, the legal academy, and the legal profession provided their views about the current bar exam and ideas for how it could be changed. Phase 2 consisted of a nationwide practice analysis survey completed by nearly 15,000 lawyers that provided a rich set of data on the work performed by newly licensed lawyers (NLLs) and the knowledge and skills they need to perform that work. In Phase 3, the TTF convened two committees composed of bar admission representatives, legal educators, and practitioners, who applied their professional experience and judgment to the data produced in Phases 1 and 2 to provide input on what content should be tested on the bar exam and when and how that content should be assessed. Input from stakeholders was gathered at each step. The results from Phases 1, 2, and 3 of our study are summarized at a high level in this report, which should be read in conjunction with the more detailed descriptions provided in the three individual reports available at <https://NextGenBarExam.ncbex.org/reports/>.

Based on this extensive research, the TTF arrived at high-level decisions about the content and the design for the next generation of the bar examination. Those decisions were founded on the principle that the purpose of the bar exam is **to protect the public by helping to ensure that those who are newly licensed possess the minimum knowledge and skills to perform activities typically required of an entry-level lawyer**. Our decisions reflect the fact that NLLs receive a general license to practice law, suggesting that the licensure exam should not attempt to assess knowledge and skills unique to discrete practice areas, but should instead assess knowledge and skills that are of foundational importance to numerous practice areas.

Additionally, the TTF's decisions were guided by the prevailing views expressed by stakeholders that

- the bar exam should test fewer subjects and should test less broadly and deeply within the subjects covered;
- greater emphasis should be placed on assessment of lawyering skills to better reflect real-world practice and the types of activities NLLs perform;
- the exam should remain affordable;
- fairness and accessibility for all candidates must continue to be ensured; and
- the feature of score portability provided by the Uniform Bar Exam (UBE) should be maintained.

The TTF's decisions were also based on what will best ensure that the exam's content and design achieve the purpose of the bar exam described above and meet the criteria for sound testing practices applicable to

high-stakes licensure exams as set forth by the *Standards for Educational and Psychological Testing* (AERA, APA, NCME, 2014).

At the beginning of January 2021, the TTF published its *Overview of Preliminary Recommendations for the Next Generation of the Bar Examination* and held webinars to collect stakeholder reactions and answer questions. Overall, the response from stakeholders was positive. The TTF then submitted the recommendations to the NCBE Board of Trustees, which approved the recommendations without change on January 28, 2021.

This report summarizes information gathered during the three years of our study, sets out the TTF's final recommendations and the rationale for its decisions, and highlights the major steps NCBE will undertake to implement the next generation of the bar examination.

SUMMARY OF PHASE 1: LISTENING SESSIONS

Full report of Phase 1

The purpose of the listening sessions held during Phase 1 was to *listen* to stakeholders' concerns, thoughts, and ideas related to the bar exam of the future. At each session, a member of the TTF or NCBE staff gave a welcome and introduction describing the TTF's research plan and then stayed in the session as an observer. One of the TTF's external consultants facilitated the sessions.

Following the welcome and introduction, the facilitator explained that the participants would be asked to provide input on the content, format, timing, and delivery method of the bar exam and the MPRE. Participants were invited to candidly provide their opinions and were informed that no comments would be attributable to specific participants in any written reports or materials.

The following questions served as the guiding framework for the listening sessions:

- What aspects of the current bar exam and MPRE do you think should be kept? Why?
- What aspects of the current bar exam and MPRE do you think should be dropped or modified? Why?
- What do you think the next generation of the bar exam and MPRE should be?
- What cautions do you want to share regarding any potential changes to the bar exam and MPRE?
- What else would you like to discuss about the bar exam and MPRE?

Key Points

Because each listening session included different stakeholders, the discussions reflected the interests of each respective group. The diversity of stakeholders and perspectives provided ample opportunities for rich discussion about each of the major topics. The key points that emerged from participants' input across all listening sessions are summarized below.

Very few, if any, opinions were universally shared by stakeholders. Additionally, while the intended focus of the sessions was on changes that could be made, in most sessions there were comments supporting various aspects of the current exam program/model, but with suggested opportunities for continued evolution and improvement.

Content

- The MPT was widely viewed as the component that is most representative of the skills needed for NLLs at the point of entry to practice.
- The subject areas measured on the MBE were generally viewed as representative of subjects that would be applicable to all NLLs. However, the target level for items on the MBE was viewed by many as going beyond the point of entry-level competency by testing nuanced issues and "exceptions to exceptions to rules."
- Content that focuses on skills such as issue spotting, critical thinking, legal analysis, written and oral communication, and reasoning was considered more applicable to all NLLs. In contrast, content that focuses on subject-matter knowledge was viewed by some as requiring memorization of legal rules that lawyers can look up in practice.

Format

- The constructed-response format of the MEE and the MPT was viewed as more representative of what NLLs do in practice (i.e., written analysis of legal and factual issues) than the multiple-choice format of the MBE.
- The MPRE content could be assessed using essays or MPT-like questions as opposed to, or in addition to, the current multiple-choice format.
- While multiple-choice items were viewed by some stakeholders as not reflective of the way law is practiced, many stakeholders recognized the benefits that the MBE contributes: objective scoring, reliability of scores, and scaled scores that have consistent meaning over time and across jurisdictions because the exam is equated.
- While using simulations was suggested by stakeholders to provide more realistic assessment of skills, the associated downsides of greater subjectivity in grading, the potential for bias, and increased costs were also noted.

Timing

- While the idea of “step testing” (used for physician licensing through the United States Medical Licensure Examination) was frequently suggested by stakeholders, the downsides of step testing were also raised.
- More frequent administration of the bar examination could permit candidates to sit for the exam when they are ready, permit failing candidates to retake the exam sooner, and reduce the time to employment after graduation, which would help graduates with student debt. It was also acknowledged that more frequent administrations of the exam could require jurisdictions to use more staff and other resources, which could increase costs.
- Reducing the time required to grade the constructed-response components (essays and performance tests) could allow passing candidates to begin practicing sooner.

Delivery and Administration

- There was varied support for paper-based testing, computer-based testing, or some combination of these delivery modes. The delivery method for the exam should align with law school, training, and practice environments.

Other Comments/Topics

- The consistency in subjects tested and the portability of scores are positive features of the UBE and should be maintained. Increased consistency in grading of the MEE and MPT across UBE jurisdictions could be accomplished through different activities ranging from increased guidance by NCBE on grading practices to centralized grading for constructed-response/essay questions.
- There was support for greater consistency in passing score requirements to communicate a common standard for entry-level competency, particularly for the UBE, but support was also voiced for maintaining each jurisdiction’s autonomy in setting its passing score.

SUMMARY OF PHASE 2: 2019 PRACTICE ANALYSIS

Full report of Phase 2

Phase 2 of the TTF’s study consisted of a national practice analysis to provide empirical data on the job activities of NLLs, with NLLs defined as lawyers who have been licensed for three years or less. The practice analysis survey asked respondents to rate the job tasks typically performed by NLLs, as well as the knowledge, skills, abilities, and other characteristics required to effectively perform those tasks. To paint a comprehensive picture of legal practice, the survey also included a technology section that listed work-related software applications that lawyers use to perform their work. The quantitative data collected through the practice analysis was intended to complement the more qualitative data gleaned from the Phase 1 listening sessions, from focus groups and interviews with NLLs conducted in prior studies done by NCBE, and from the environmental scan conducted as part of the current study and described briefly below.

The practice analysis survey was developed between October 2018 and July 2019. First, an environmental scan was completed to research information relevant to the legal profession that could support the development of an organized taxonomy of the work responsibilities of NLLs. Draft lists of tasks; knowledge areas; skills, abilities, other characteristics; and technology items were compiled through the environmental scan. Three focus groups were then conducted with lawyers from a variety of practice areas, settings, and backgrounds to refine the lists. Next, the TTF revised the draft lists resulting from the work of the focus groups to improve consistency in wording and eliminate redundancy, and the lists were subsequently organized for use in the survey. To evaluate the content and structure of the draft survey, pilot testing was completed by 82 lawyers who volunteered to provide input on the clarity of the survey instructions, the completeness of the lists, the usability of the rating scales, and the amount of time required to complete the survey. The survey was revised and finalized based on the results of the pilot test.

Given the purpose of the practice analysis—to identify fundamental work activities across the practice areas and settings in which NLLs work to determine appropriate content for a general licensure exam—the TTF organized the tasks according to the following four broad categories: (1) General tasks, (2) Trial/Dispute Resolution tasks, (3) Transactional/Corporate/Contracts tasks, and (4) Regulatory/Compliance tasks. The lists of knowledge areas; skills, abilities, and other characteristics (SAOs); and technology items were shorter than the list of tasks and did not require organizational frameworks. The survey also included a demographics section to obtain a description of respondents’ backgrounds and work environments for use in analyzing the results.

Table 1. Practice Analysis Survey Sections and Rating Scales

Survey Section	Sample Survey Items	Rating Scale
Tasks (179 Items)	Establish and maintain client trust account.	5-point <i>frequency</i> scale ranging from 0 (not applicable) to 4 (weekly)
	Determine proper or best forum to initiate legal proceeding.	
	Determine lawfulness or enforceability of contract or legal document.	4-point <i>criticality</i> scale ranging from 0 (not applicable) to 3 (essential)
	Secure required governmental or regulatory approvals or authorizations.	
Knowledge Areas (77 Items)	Bankruptcy Law	4-point <i>importance</i> scale ranging from 0 (not applicable) to 3 (essential)
	Civil Procedure	
	Criminal Law	
	Rules of Evidence	

Table 1 continued >

Survey Section	Sample Survey Items	Rating Scale
SAOs – Skills, Abilities, and Other Characteristics (36 Items)	Critical/Analytical Thinking – Able to use analytical skills, logic, and reasoning to solve problems and to formulate advice.	4-point <i>criticality</i> scale ranging from 0 (not necessary) to 3 (essential)
	Conscientiousness – Approaches work carefully and thoughtfully, driven by what is right and principled.	
	Interviewing/Questioning – Able to obtain needed information from others to pursue an issue or matter.	
	Leadership – Able to delegate, inspire, and make thoughtful decisions or plans to further goals and objectives.	
Technology (24 Items)	Research Software or Platforms – Software, programs, or databases that permit the user to conduct electronic legal research.	4-point <i>proficiency</i> scale ranging from 0 (not applicable) to 3 (expert)
	Data Analytics Software – Software used to find anomalies, patterns, and correlations within data.	
	Video-Conferencing Software – Software that permits audio or video meetings with participants in different locations.	
Demographics (10 Items)	Which of the following best describes your practice setting?	Response options were tailored to each question
	How many lawyers are in your organization?	
	With which of the following races do you identify?	
	In which of the following areas of practice do you spend at least 5% of your time?	

The survey was lengthy by necessity to adequately cover the work of NLLs. To prevent survey fatigue and encourage a high rate of response, matrix sampling was used to assign survey respondents to different sections of the survey. Respondents were randomly assigned to one of four versions of the survey. Random assignment ensured that each version of the survey was seen by comparable numbers of respondents and reduced the selection bias that can occur when survey recipients are provided with the option to choose the category of questions to which they respond.

The survey was open from August 1, 2019, through October 2, 2019. Given that there is no centralized registry of all practicing lawyers in the United States, a random sampling approach to survey distribution was not possible. The TTF instead took a census approach in which any eligible respondent could answer the survey. NCBE obtained cooperation from 54 jurisdictions to assist with promoting the survey. NCBE also promoted the survey via multiple email campaigns, through frequent posts on the TTF's and NCBE's social media channels, and in NCBE's quarterly publication, the *Bar Examiner*.

Both NLLs and more experienced lawyers (non-NLLs) who have or had direct experience working with or supervising NLLs were invited to complete the survey to ensure a breadth of perspectives on the work performed by NLLs. Respondents were asked at the beginning of the survey how many years they had been licensed, which was used to determine whether they fell into the category of NLL or non-NLL. Non-NLLs were disqualified from taking the survey if they indicated that they had not ever had direct experience working with or supervising NLLs.

The survey required slightly different sets of instructions for NLLs and non-NLLs. NLLs were asked to rate survey items in terms of their own personal practice (e.g., "How frequently do YOU perform this task in YOUR practice areas and setting?"). Non-NLLs were asked to rate survey items based on the practice of NLLs with whom they have or had direct experience (e.g., "How frequently do newly licensed lawyers with whom you have or had direct experience perform this task in THEIR practice areas and setting, regardless of what other NLLs with whom you do not have direct experience may do?").

Results

Demographics and Practice Areas

The total effective sample size was 14,846 respondents. The respondents consisted of 3,153 NLLs (21%) and 11,693 non-NLLs (79%). Because the survey did not require a response to every question, the number of respondents to any particular question varied.

Respondents represented a total of 56 jurisdictions and included a broad range of entry-level and experienced lawyers working in a variety of practice settings. Survey respondent data were compared to data for the US legal profession published by the American Bar Association in the *ABA Profile of the Legal Profession 2019* (ABA Profile). For most jurisdictions, the percentage of survey respondents in the jurisdiction and the number of lawyers in that jurisdiction as a percentage of the US lawyer population were reasonably consistent, with the following exceptions: Minnesota, Ohio, and Pennsylvania were slightly overrepresented on the survey, while Florida and Illinois were slightly underrepresented.

It can be seen from these demographic comparisons that the practice analysis survey respondents generally were representative of the population of US lawyers based on the ABA Profile. This, in combination with the large number of respondents, suggests that survey results should generalize from the sample of respondents to the eligible population of NLLs and non-NLLs in the United States.

Respondents were presented with 35 practice areas and asked to indicate the areas in which they spend at least 5% of their time. They were then asked to enter as a percentage the amount of time they estimate working in each area selected. The most and least frequently selected practice areas are shown in Table 2.

Table 2. Most Common and Least Common Practice Areas

Most Common	Least Common
Contracts	Securities
Business Law	Immigration Law
Commercial Law	Disability Rights
Administrative Law	Employee Benefits
Real Estate	Workers' Compensation
Criminal Law	International Law
Appellate	Environmental Law
Employment Law and Labor Relations	Education Law
Torts	Energy Law
Other	Indian Law

The data show that 82% of survey respondents work in multiple and varying numbers of practice areas and with different degrees of emphasis in each practice area. To better understand how the respondents allocate their time across different practice areas, the data were subjected to cluster analysis to identify groups of respondents with similar practice profiles. A desirable feature of cluster analysis is that each survey respondent is assigned to only one cluster and gets counted just once for purposes of data analyses. The results suggested that the practice profiles could be condensed into 25 practice clusters. The task and knowledge area ratings were then analyzed within each practice cluster to identify the tasks and knowledge areas that span multiple practice clusters.

Tasks

The Tasks section of the survey asked respondents to rate tasks on the frequency of performance and criticality for practice. The mean ratings of task frequency and criticality by NLLs correlated highly with the ratings by non-NLLs. Therefore, the groups were combined for most analyses.

The most frequently performed tasks were performed by more than 90% of NLLs, had mean frequency ratings approaching weekly, and had criticality ratings approaching “high importance” (essential). Of note is that three of these tasks have “research” as the primary verb. Themes other than legal research that were common to the highly rated tasks include ethics, written and spoken communications, legal analysis/evaluation, and diligence. The most and least commonly performed tasks are set out in Table 3.

Table 3. Most Commonly and Least Commonly Performed Tasks

Most Commonly Performed Tasks	Least Commonly Performed Tasks
Identify issues in client matter, including legal, factual, or evidentiary issues.	Draft and file documents to secure or maintain intellectual property protection.
Research case law.	Draft legislation or regulations.
Interpret laws, rulings, and regulations for client.	Negotiate with or on behalf of land use regulatory authorities.
Research statutory and constitutional authority.	Draft prenuptial or antenuptial agreements.
Evaluate strengths and weaknesses of client matter.	Prepare or review local, state, or federal tax returns and filings.
Evaluate how legal document could be construed.	Establish and maintain client trust account.
Develop specific goals and plans to prioritize, organize, and accomplish work activities.	Participate in initiative or proposition process to change statute or constitution.
Conduct factual investigation to obtain information related to client matter.	Represent client in post-conviction relief or habeas corpus proceedings.
Research secondary authorities.	Represent client in eminent domain or condemnation proceeding.
Consult with colleagues or third parties regarding client matters.	Draft constitutional amendments.

Because the tasks lawyers perform might depend on characteristics such as practice setting, geographic region, and so on, criticality and frequency ratings were analyzed by subgroups of respondents based on the following demographic factors: recency of experience with NLLs, practice setting, number of lawyers in the organization, gender, race/ethnicity, and geographic region. The large number of task statements, multiple rating scales, and variety of demographic factors produced thousands of comparisons. A limitation of these analyses was that they concerned only main effects for a single demographic variable at a time and did not consider joint effects of multiple variables. Another limitation was that sample sizes for some subgroups were quite small. More complex analyses were required to disentangle the effects of one demographic variable from another and to better understand the differences; the results of these additional complex analyses were considered during Phase 3, when the content to be assessed in the next generation of the bar exam was evaluated by a diverse panel of legal subject matter experts (SMEs).

In determining which of the 179 tasks that were included in the survey should potentially be addressed as part of the content assessed on the bar exam, the TTF applied a 50% rule as a general guideline, such that for a task to be considered eligible for consideration in the test blueprint development process, it must be performed by at least 50% of entry-level practitioners. However, the decision to keep or drop a task for potential inclusion was also based on the extent to which it was rated as relevant to multiple practice areas. Additional factors considered included results based on demographic subgroups (e.g., solo practitioners, women) and on practice

clusters, as well as the personal experience of the SMEs who participated in Phase 3 of the study. Ultimately, 136 tasks were considered during Phase 3, as discussed later in this report.

Knowledge Areas

The 77 knowledge areas were rated in terms of their importance to the practice of all NLLs. The overall means for all knowledge areas as rated by NLLs and non-NLLs were nearly identical, and the correlation between the two sets of ratings was very high; thus, data for the two groups were combined for most analyses.

The knowledge areas with the highest and lowest mean importance ratings are set out in Table 4.

Table 4. Knowledge Areas with Highest and Lowest Mean Importance Ratings

Highest Mean Importance Ratings	Lowest Mean Importance Ratings
Rules of Professional Responsibility and Ethical Obligations	Transportation Law
Civil Procedure	Bioethics
Contract Law	Indian Law
Rules of Evidence	Foreign Trade Law
Legal Research Methodology	Public Utility Law
Statutes of Limitations	Military Justice Law
Local Court Rules	Animal Rights Law
Statutory Interpretation Principles	Sports and Entertainment Law
Sources of Law (Decisional, Statutory, Code, Regulatory, Rules)	Air and Space Law
Tort Law	Admiralty Law

Various methods and indices were considered to guide decisions about which knowledge areas should be considered during Phase 3 as potential content to be assessed on the bar exam. The TTF decided to include knowledge areas if at least 50% of either NLLs or non-NLLs who rated it viewed it as being of moderate or high importance. As with the tasks, however, additional factors were also taken into consideration, such as differences in ratings across demographic subgroups and evaluation of the extent to which a knowledge area is relevant to multiple practice areas. Knowledge area importance ratings were remarkably consistent across demographic groups; that is, mean ratings did not vary much based on the demographic backgrounds of respondents such as race, gender, or geographic region. However, mean knowledge area ratings did vary by practice area. Therefore, the results were further analyzed by practice clusters to evaluate the extent to which a knowledge area was relevant to multiple practice areas. As a result of these analyses by practice clusters, 25 knowledge areas were included for consideration during Phase 3, as discussed later in this report.

Skills, Abilities, and Other Characteristics (SAOs)

The survey included 36 SAOs, which NLLs were instructed to rate in terms of criticality to their own practice; non-NLLs were instructed to rate the SAOs based on the practice of NLLs with whom they have or had direct experience. Again, the overall mean ratings from NLLs and non-NLLs were highly correlated and were therefore combined for analysis.

Most SAOs tended to receive high ratings, with the vast majority of the SAOs being judged as being either moderately or highly critical. The SAOs with the highest and lowest mean criticality ratings are set out in Table 5.

Table 5. SAOs with Highest and Lowest Mean Criticality Ratings

Highest Ratings	Lowest Ratings
Written/Reading Comprehension – Able to read and understand information presented in writing.	Strategic Planning – Plans and strategizes to anticipate and address present and future issues and objectives.
Critical/Analytical Thinking – Able to use analytical skills, logic, and reasoning to solve problems and to formulate advice.	Leadership – Able to delegate, inspire, and make thoughtful decisions or plans to further goals and objectives.
Written Expression – Able to effectively communicate information and ideas in writing.	Social Consciousness/Community Involvement – Demonstrates desire to improve society by contributing skills to the community.
Identifying Issues – Able to spot salient legal concerns presented by a set of circumstances.	Networking and Business Development – Able to develop meaningful business relationships and to market skills to develop client relationships.
Integrity/Honesty – Demonstrates core values and belief system.	Instructing/Mentoring – Able to manage, train, and instruct to assist others in realizing their full potential.

Results for the SAOs section confirmed previous research on the cognitive and affective skills required of practicing lawyers. Specifically, the list of SAOs included nearly all the 26 lawyering skills identified through the work of Shultz and Zedeck (2011).¹ The fact that nearly all SAOs were judged to be either moderately or highly critical can be regarded as confirmation of that earlier work.

Given the uniformly high criticality ratings for SAOs, responses to this section of the survey were not subjected to formal analyses comparing demographic subgroups.

There is little doubt that these SAOs are important for competent entry-level legal practice. Indeed, due to their broad nature, most of the SAOs are critical to working in a variety of jobs or professions. However, some of these skills are difficult to teach (e.g., Integrity and Time Sharing) and even more challenging to assess in a manner that produces reliable and valid test scores. SAOs that are relatively specific to the legal profession (e.g., Fact Gathering), as well as those that can be applied and assessed narrowly within a legal context (e.g., Critical/Analytical Thinking), were considered during Phase 3 when recommendations for the content and design of the next generation of the exam were developed.

Beyond identifying potential content for assessment on the bar exam, the SAO results may be useful to the licensing process by empirically identifying the personal characteristics that are important for competent practice. Thus, those involved in legal education, mentoring of NLLs, continuing legal education, and the character investigation part of the admissions process may find the results useful to their work.

Technology

The 24 technology items on the survey were rated by NLLs in terms of the level of proficiency required in their own practice, while non-NLLs based their ratings on the practice of NLLs with whom they have or had direct experience. The mean ratings for NLLs and non-NLLs were highly correlated, so the groups were combined for analysis.

The technology items with the highest and lowest mean proficiency ratings are set out in Table 6.

¹ Shultz, M.M. & Zedeck, S. (2011). Predicting lawyer effectiveness: Broadening the basis for law school admissions decisions, *Law & Social Inquiry, Journal of the American Bar Foundation*, 36(3), 620–661.

Table 6. Technology with Highest and Lowest Mean Proficiency Ratings^a

Highest Mean Proficiency Ratings	Lowest Mean Proficiency Ratings
Word Processing Software	Web Content Management Software
Research Software or Platforms	Data Analytics Software
Electronic Communication Software	Language Translation Software
Desktop Publishing Software	Financial Planning Software
Document Storage Software, Including Cloud Storage	Tax Preparation Software

^a The survey provided complete definitions for each technology item; these definitions appear in Table E.1 in Appendix E.

Responses to this section of the survey were not subjected to formal analyses comparing demographic subgroups.

The next generation of the bar exam will not directly assess knowledge and skills related to use of the technology items. However, knowing which technologies NLLs should be proficient in using in practice provides information about the types of testing platforms that examinees might be expected to use (with reasonable accommodations provided for examinees with disabilities). For example, the survey results provide support for the appropriateness of having examinees interact with electronic research software as part of completing a performance test.

Credibility and Generalizability of Findings

Best practices in practice analyses include validating survey responses. To do this, four sources of evidence were evaluated: sample representation, sample size and sampling error, consistency with expectations, and consistency with independent research.

Sample Representation

The survey respondents represented nearly all jurisdictions, and the proportion of survey respondents from each jurisdiction approximated the proportion of practicing lawyers in each jurisdiction based on the ABA Profile. Thus, the breadth of the sample contributes to the generalizability of findings. Furthermore, comparisons of responses to the Tasks and Knowledge Areas sections by respondents from different regions of the country indicated that there was little regional variation in ratings across tasks and almost no regional variation across knowledge areas. This limited regional variation in responses suggests that results are not overly dependent on one or more specific regions.

Sample Size and Sampling Error

A representative sample is of limited value if it is not sufficiently large. Adequate sample sizes are important to ensure the stability of the statistics reported in the findings. The margin of error, or standard error, is the most common index for documenting the precision associated with any statistic. Literally hundreds of standard errors were computed as part of the statistical analyses for this report. The margins of error were not large, meaning that if this study were replicated with new samples of NLLs and non-NLLs, mean values for the new study would be expected to be very similar to the values observed in the 2019 study. This suggests that readers can be confident in the stability of the statistical indices.

Consistency with Expectations

Another strategy for examining the validity of practice analysis data involves evaluating the extent to which the responses are consistent with informed expectations. The differences in ratings of tasks and knowledge

areas by practice clusters were in line with what most readers would expect. For example, the task of “Draft or negotiate business agreements” was performed by 92% of respondents from the Real Estate Law practice cluster but by only 11% of respondents from the Appellate Law: Criminal practice cluster, which is in line with expectations. The survey results suggest that respondents generally were attentive and provided thoughtful responses as they completed the survey.

Consistency with Independent Research

NCBE commissioned a practice analysis in 2011/2012, which was completed by a research consultant different from the one that completed the present 2019 study. In addition, the State Bar of California completed a practice analysis in 2019 specific to practice in California. Those two studies provide external criteria to which the present study was compared. Although none of the studies were intended to be replications of another, they all had the goal of identifying the responsibilities and KSAs required of NLLs.

The 2012 and 2019 NCBE studies both included sections for tasks, knowledge areas, and SAOs. Direct comparison of findings is hindered for various reasons (e.g., the lists were not identical across studies, a task from 2019 might have been classified as a skill in 2012, and there were differences in rating scales). Nonetheless, there is enough overlap to draw some parallels. Overall, the tasks viewed as important in 2012 were also viewed as critical in 2019, even though data were collected from different samples using different instruments and in different contexts. Similarly, in general, knowledge areas judged to be important by 2019 respondents were also viewed as important by 2012 respondents.

The California Practice Analysis (CAPA) survey included 23 tasks that were similar or very similar to tasks appearing on the 2019 NCBE practice analysis survey. Although the rating scales for the two studies were not identical, it was possible to use a linear transformation to rescale the NCBE ratings to approximate what those ratings would be on the CAPA rating scales.²

Overall frequency ratings were found to be very similar for the two studies, but there were some notable differences in criticality ratings. A comparison of a sample of tasks from the two surveys indicated striking similarity across all the frequency ratings and most of the criticality ratings.

The CAPA survey also included a list of knowledge areas (topics) that were rated in terms of frequency and criticality. Whereas the 2019 NCBE practice analysis survey listed 77 knowledge areas, the California survey included two levels of topics where 121 specific topics were nested under 21 broad knowledge areas (e.g., Offer and Acceptance nested under Contracts).

Of the 10 most important knowledge areas on the NCBE survey, five also appeared in the top 10 on the CAPA survey. Note that the knowledge areas of Criminal Law and Constitutional Law were included among the top 10 on the CAPA survey, and in the NCBE survey results those two areas were ranked fifteenth and thirteenth, respectively, but those two areas would have been in the top 10 of the NCBE survey had it not included the following as knowledge areas: Legal Research Methodology, Statutes of Limitations, Local Court Rules, Statutory Interpretation Principles, and Sources of Law.

Based on the systematic process of developing a practice analysis survey, and of gathering information from a representative sampling of lawyers, stakeholders should have confidence that the 2019 NCBE practice analysis results provided meaningful guidance for the TTF’s comprehensive study.

² Although the transformation allows for more direct comparison of results, it may not account for potential ceiling effects; because the NCBE scale had fewer scale points, it is possible that the ratings at the upper end of the NCBE scale were suppressed a bit relative to the CAPA means. Differences in means across the surveys may be at least partially attributable to ceiling effects or scale suppression.

SUMMARY OF PHASE 3: TEST CONTENT AND DESIGN

Full report of Phase 3

For Phase 3 of the Task Force's work, two committees were convened for the purpose of discussing test content and design issues, working from the qualitative and quantitative data that were compiled in Phase 1 (stakeholder listening sessions) and Phase 2 (nationwide practice analysis). The charge of the Blueprint Development Committee (BDC) was to help determine what content should be tested on the bar exam, while the role of the Test Design Committee (TDC) was to recommend how that content should be assessed. The BDC consisted of newly licensed and experienced practitioners who applied their professional judgment and experience to recommend what content should be tested based upon the Phase 2 results. The TDC was composed of legal educators and bar admission representatives who provided input on an effective design for the exam. The TDC's work was guided by the Phase 1 study results and by the professional judgment and experience of committee members in educating law school students and admitting NLLs to the bar.

Blueprint Development Committee Meeting

The TTF recruited 17 practicing lawyers to participate as panelists on the BDC; 14 of the panelists were female and 10 were people of color. In total, the panelists practiced in 13 jurisdictions and across a range of 22 practice areas and various practice settings (private law firm, government, nonprofit organization, legal services/public interest, judicial law clerk, and in-house counsel). None had ties to NCBE and none were current or former bar examiners.

The BDC met by videoconference from June 29 to July 1, 2020, for five hours each day. Prior to the meeting, each panelist was provided a binder of materials that served as advance readings for the meeting and additional materials for reference during the meeting.

One of the TTF's external research consultants facilitated the meeting, and staff from NCBE and the chair of the TTF attended the meeting to observe. The meeting began with an orientation that included an overview of the TTF study, the purpose and function of a test blueprint, a review of the meeting materials, and an explanation of how to interpret the results of the Phase 2 practice analysis.

The general discussion began after the orientation with a review of the job tasks from the practice analysis survey. Specifically, the full list of 179 tasks had been reduced to those 136 tasks that were rated as being performed *Frequently* or *Moderately* by 50%³ or more of the survey respondents. The tasks identified for review were organized by the TTF under these seven skill domains:

- Legal Research
- Legal Writing and Drafting
- Client Counseling and Advising
- Issue Spotting and Evaluation
- Investigation and Analysis
- Negotiation and Dispute Resolution
- Client Relationship and Management

³ To account for a margin of error of 3%, the list reviewed by the BDC included tasks rated as being performed *Frequently* or *Moderately* by 47% or more of the survey respondents.

The BDC reviewed each task and discussed its relevance to practice by NLLs based on the ratings collected during the practice analysis, including (1) the overall frequency ratings, (2) the frequency ratings by Practice Cluster, and (3) the frequency ratings by those survey respondents identified as NLLs versus those who were not NLLs. The result of each task-level discussion was a recommendation as to whether the task should be included within that skill domain as being representative of the activities required of NLLs. The BDC also recommended consolidation of some tasks to eliminate overlap or redundancy.

After reviewing all 136 tasks in this manner, the BDC was asked to consider how much emphasis or weight should be given to the seven skill domains on the bar exam, including models of (1) equal weighting for each skill domain, (2) natural weighting, meaning the weight is determined by the number of tasks under each skill domain, or (3) weighting based on the judgments of the BDC. The BDC panelists opted for the third model and applied their judgment to reach consensus on recommended weights for each skill domain. This activity was concluded at the end of the second day.

The third day of the meeting was focused on reviewing the knowledge areas from the practice analysis. The full list of 77 knowledge areas from the practice analysis survey had been reduced to 25 by prioritizing those areas that were rated as *Important* by 50%⁴ or more of the survey respondents. The BDC reviewed each knowledge area and discussed its relevance to practice by NLLs based on the overall importance ratings, the importance ratings by Practice Cluster, and the importance ratings by those respondents identified as NLLs versus those who were not NLLs. The result of each knowledge area discussion was a recommendation as to whether the area should be included on the bar exam.

After making decisions about what knowledge areas to recommend for inclusion, the BDC considered how much emphasis or weight should be given to each knowledge area on the bar exam. The BDC also considered generally whether knowledge areas should be measured in a content-dependent context (necessary legal resources are not provided) or in a content-independent context (necessary legal resources are provided).

Results: Skills

In total, the BDC identified 103 tasks as representative of the seven skill domains identified for assessment on the bar exam: 9 of the original 136 tasks considered by the BDC were consolidated to eliminate redundancy, and 24 tasks were recommended for exclusion, with most of those excluded because the BDC concluded that the tasks were generally outside the scope of an NLL's practice. A list of the 136 tasks, with the BDC recommendations indicated, is provided in [Appendix A](#) of the Phase 3 report.

Table 7 shows for each skill domain the number of tasks, a general description of the domain, and the recommended weighting. The weighting is shown as the average of the weights recommended by the BDC panelists; a range of roughly 3% around that average is shown in parentheses.

⁴ To account for a margin of error of 3%, the list reviewed by the BDC included knowledge areas rated as *Important* by 47% or more.

Table 7. Skills Recommendations by BDC

Skill Domain	Tasks	Description of Domain	Weighting (%)
Legal Research	5	Researching the Law, Written/Reading Comprehension, Critical/Analytical Thinking	17.5 (15–20)
Legal Writing and Drafting	24	Written Expression, Critical/Analytical Thinking	14.5 (12–17)
Client Counseling and Advising	14	Oral Expression, Oral Comprehension, Cultural Competence, Advocacy, Critical/Analytical Thinking, Problem Solving, Practical Judgment	11.9 (10–15)
Issue Spotting and Evaluation	7	Identifying Issues, Observant, Critical/Analytical Thinking	17.5 (15–20)
Investigation and Analysis	17	Interviewing/Questioning, Fact Gathering, Cultural Competence, Problem Solving	17.5 (15–20)
Negotiation and Dispute Resolution	23	Negotiation Skills/Conflict Resolution, Creativity/Innovation, Expressing Disagreement, Written Expression, Oral Expression, Oral Comprehension, Advocacy, Practical Judgment	11.9 (10–15)
Client Relationship and Management	13	Networking and Business Development, Resource Management/ Prioritization, Organization, Strategic Planning, Managing Projects, Achievement/Goal Orientation, Practical Judgment, Decisiveness, Cultural Competence	9.2 (7–12)

Results: Knowledge Areas

The BDC endorsed including 11 (of 25) knowledge areas. A list of the 25 knowledge areas considered by the BDC, with the BDC’s recommendations noted, is provided in [Appendix B](#) of the Phase 3 report. The BDC further recommended that the following six knowledge areas should be excluded as stand-alone topics and coverage of these areas should be subsumed under other knowledge areas and skills:

- Statutory Interpretation Principles → subsumed under Skills and Constitutional Law
- Uniform Commercial Code → subsumed under Business Organizations or Contract Law
- Remedies → subsumed under all knowledge areas
- Civil Rights → subsumed under Constitutional Law
- Landlord-Tenant Law → subsumed under Real Property and/or Contract Law
- Debtor-Creditor Law → subsumed under Business Organizations and/or Contract Law

For each of the 11 knowledge areas, Table 9 below shows the BDC recommendations for weighting (average of BDC panelists’ judgments along with a range of $\pm 3\%$) and measurement approach (reflecting the consensus of at least two-thirds of the panelists). With respect to the measurement approach for each knowledge area, the BDC was asked to recommend either testing knowledge of legal doctrine in a content-dependent manner, where legal resources are not provided as part of the test materials, or applying skills in the knowledge area in a content-independent manner, where appropriate legal resources are provided. Though Table 8 reflects the BDC’s ultimate suggestions in this regard, the BDC’s deliberations about whether and how knowledge and skills could or should be assessed in a content-dependent or content-independent manner were formative

in introducing the concept of integrated assessment, discussed later in this report, which recognizes the interdependency of the assessment of knowledge and skills.

Table 8. Knowledge Area Recommendations by BDC

Knowledge Area	Weighting (%)	Measurement Approach
Business Organizations	7 (4–10)	Knowledge (content-dependent)
Professional Responsibility, Ethics	7 (4–10)	Knowledge (content-dependent)
Legal Research Sources & Methods	8 (5–11)	Applying skills (content-independent)
Constitutional Law	9 (6–12)	Knowledge (content-dependent)
Dispute Resolution*	9 (6–12)	Applying skills (content-independent)
Real Property	9 (6–12)	Knowledge (content-dependent)
Torts	9 (6–12)	Knowledge (content-dependent)
Evidence	10 (7–13)	Knowledge (content-dependent)
Criminal Law & Procedure	10 (7–13)	Knowledge (content-dependent)
Contract Law	10 (7–13)	Knowledge (content-dependent)
Civil Procedure	11 (8–14)	Knowledge (content-dependent)

* This knowledge area represents the combination of *Alternative Dispute Resolution* and *Trial Advocacy and Practice*.

Test Design Committee Meeting

The TTF invited each jurisdiction to nominate a bar admission representative (bar administrator, bar examiner, or justice) to serve on the TDC. The TTF selected from the nominees to achieve a mix of roles, jurisdiction sizes, and other demographic variables. The TTF also invited individual deans and faculty members from a variety of law schools to serve. The panel of 28 was composed of 11 educators, 9 bar examiners, 6 bar administrators, and 2 justices; 10 of the panelists were female and 7 were people of color. Each panelist had experience educating law students, administering the bar exam, serving as a bar examiner, or, in the case of the justices, serving as liaison between a state’s highest court and the state’s board of bar examiners.

The TDC completed its work through two meetings conducted via videoconference for five hours per day over three days (Meeting 1 on July 16 and 17, 2020, and Meeting 2 on August 4, 2020), with an offline review of written materials before Meeting 1 and between meetings. The August 4 meeting was added after the meeting was changed from an in-person format to videoconference, and, unfortunately, seven of the TDC panelists were not available on that date. Therefore, 28 panelists were present for Meeting 1 and 21 were present for Meeting 2.⁵ Those who could not attend Meeting 2 were given the opportunity to provide written input before and after the meeting.

The TTF’s external research consultant facilitated the meetings. Staff from NCBE and the chair of the TTF attended the meetings to observe. The first meeting began with an orientation that included an overview of the TTF study, the purpose and function of a test design, and a review of the meeting materials with an explanation of how each document related to the TDC’s work.

After the orientation, the panel was split into two groups and a facilitator guided each group through a discussion of specific test design topics and issues. The TDC did not discuss the issue of test delivery mode because the TTF had already decided that the next generation of the bar exam would be a computer-based test, administered either at computer testing centers managed by a suitable vendor or on candidates’ laptops at jurisdiction-managed test sites.

The TDC panelists recognized the interconnectedness of the design topics and spent the meeting time sharing their opinions and discussing advantages and challenges associated with various options. The TDC

⁵ The panelists present for Meeting 2 consisted of 10 educators, 7 bar examiners, and 4 bar administrators.

was largely split on whether the design should use compensatory scoring (with scores on each component combined to produce one overall pass/fail decision for licensure) or conjunctive scoring (with scores on each component treated as separate pass/fail decisions and a requirement that candidates pass each component to be licensed). Under a compensatory design, candidates may compensate for a weak performance on one component with a strong performance on another. Under a conjunctive design, candidates must demonstrate the required level of proficiency on each component. The other design feature on which there was a diversity of opinions was whether to use a single-event administration model (one exam administration taken after completion of law school) or a multi-event model (exam administered as separate components with the option to take the first component during law school).⁶ Therefore, three draft design models were created after Meeting 1 using those decision points as the key differentiators.

Each of the draft design models assumed that the bar exam would include two components—Application of Core Doctrinal Law and Application of Lawyering Skills—and would be administered using a range of assessment methods/formats. Another common feature of each draft design model was a test of knowledge of the rules of Professional Responsibility that would be administered separately from the bar exam and could be taken during law school or after graduation.

Though the three models presumed separate assessment of knowledge and skills, TDC panelists discussed the fact that assessment of knowledge and skills are inherently interconnected. That is, lawyering skills such as issue spotting and analysis cannot be separated from demonstrating knowledge of foundational legal doctrine. Conversely, some degree of legal doctrine is generally required to demonstrate foundational lawyering skills. As was the case with the BDC's rich discussions, the TDC's discussions around the notion of interconnected assessment of foundational knowledge and skills was formative in leading to consideration of integrated assessment.

Results

The prevailing views of the TDC members are summarized below. TDC members also commented on the content identified by the BDC for inclusion on the bar examination.

Structure: The TDC generally supported the structure of two components (Application of Core Doctrinal Law and Application of Lawyering Skills) for the bar exam and a separate exam on knowledge of Professional Responsibility. Pass/fail decisions for the bar exam would be based on a compensatory score for the exam but with minimum score requirements for each component. The compensatory score would be a weighted combination of the scores on the two components, and the TDC suggested either a 50/50 weighting (equal weight between the two components) or a 60/40 weighting with the higher weight allocated to the Application of Lawyering Skills component. These suggestions, however, were inherently limited by the fact that all the test design models presented to the TDC presumed independent assessment of foundational knowledge and skills. The TDC continued to express reservations about whether foundational knowledge and skills can be assessed independently of one another.

Application of Core Doctrinal Law component: For this component, the TDC did not unanimously agree with the appropriateness of assessing some of the knowledge areas recommended for inclusion by the BDC; both the BDC and the TDC agreed, however, that the depth and breadth of coverage in the knowledge areas tested should be limited to the core legal principles that NLLs need to know without “looking it up” (i.e., they should be able to issue spot and know the basic rules but should not be expected to know “the exceptions to the exceptions”).

⁶ Under either administration model, jurisdictions could permit candidates to take components that are to be completed “after law school” prior to graduation, as is the case with the current bar exam.

Application of Lawyering Skills component: The TDC showed unanimous support for measuring skills such as Legal Writing, Legal Research, Issue Spotting and Analysis, and Investigation and Evaluation. For Professional Responsibility and Ethics, the TDC acknowledged the importance of the subject matter but did not want to see it tested as a core knowledge area on the bar exam because it would duplicate content tested on the Multistate Professional Responsibility Exam (MPRE). The TDC suggested that Professional Responsibility could serve as the context for questions in the Application of Lawyering Skills component to assess skills such as Issue Spotting and Analysis, with the Model Rules of Professional Responsibility being provided as a resource to use during testing. Some members of the TDC expressed strong concerns that the skills of Client Counseling and Advising, Client Relationship and Management, and Negotiation and Dispute Resolution could not be measured objectively and without bias, and the importance of those concerns was noted. In terms of methods for assessing skills, the TDC generally supported the idea of case studies (e.g., written fact scenarios or video simulations) using multiple item types (e.g., short answer, selected response, extended response) with a library of legal resources provided.

Administration: A slight majority of the TDC panelists were supportive of allowing candidates the option to take one of the two components of the bar exam during law school, but a few panelists were adamantly opposed, voicing their concerns regarding the impact on law school curriculum and law students. Additionally, those who supported the option were not in agreement about which component would be more appropriate for testing during law school.

Overall, the TDC members' views reflected the interconnectedness and complexity of test design issues. For those issues where they were not of one mind, their discussions provided valuable insight into the benefits and challenges of various approaches to the design issues.

TESTING TASK FORCE RECOMMENDATIONS

The TTF formulated a set of recommendations for the content and design of the new exam after taking into consideration the views of stakeholders, the data collected during the study, the work of the BDC and TDC, the opinions of assessment experts and psychometricians, and relevant practical and logistical administrative issues. The recommendations are consistent with the purpose of the exam to protect the public and the intended use of exam scores to determine whether candidates possess the minimum knowledge and skills to perform activities typically required of an entry-level lawyer. The recommendations are also consistent with the fact that a newly licensed lawyer secures a general license to practice law, suggesting that the bar exam should assess foundational knowledge and skills that are common to numerous practice areas. The recommendations are discussed in detail below.

Structure and Format

The TTF recommended the use of an integrated exam structure to assess both legal knowledge and skills holistically in a single, practice-related examination. Although each of the draft design models presented to the TDC was based on the assumption that the bar exam would include two separate components, with one component testing legal knowledge and the other testing legal skills, the discussion of those models often highlighted the interconnectedness of knowledge and skills. Thus, while neither the BDC nor the TDC directly suggested an integrated exam, the combined discussions of the BDC and TDC sparked the idea. The concept of an integrated assessment model was further supported by NCBE's Technical Advisory Panel (TAP), a group of external psychometric experts. Members of the TAP were given the opportunity to review and comment on the BDC and TDC recommendations and recognized a recurring theme pointing to the concept of integrated assessment design. Members of the TAP observed that integrated assessment is not a novel concept and is already employed in academia and in high-stakes licensure assessments used in other professions.

An integrated exam permits use of scenarios that are representative of real-world types of legal problems that NLLs encounter in practice. Realistic scenarios are used in the current exam, but in discrete components comprised of stand-alone items, whereas an integrated exam includes item sets and a combination of item formats (e.g., selected-response, short-answer, and extended constructed-response items) within the same component. An *item set* is a collection of test questions based on a single scenario or stimulus such that the questions pertaining to that scenario are developed and presented as a unit. Item sets can be assembled so that all items within a set are either of the same format or of different formats. Stand-alone questions will still be used, and the exam will not consist of item sets exclusively. NCBE aims to have prototypes of integrated exam questions available later this year to share with stakeholders.

Scoring

A compensatory scoring model will be used to produce a single combined score for making admission decisions, which is consistent with the use of an integrated exam design and the interconnected nature of the competencies being measured. A combined score allows a candidate's areas of strength to compensate for areas of weakness and reflects the candidate's overall proficiency in the competencies being measured.

Multiple-choice items and other item formats that can be machine-scored will be scored by NCBE, while the constructed-response questions will continue to be graded by bar examiners.

Content

To reflect the nature of the content of the new exam, the TTF adopted the terms *Foundational Concepts & Principles* (FC&P) and *Foundational Skills* for the competencies to be assessed.

Foundational Concepts and Principles

- Civil Procedure (including constitutional protections and proceedings before administrative agencies)
- Contract Law (including Art. 2 of the UCC)
- Evidence
- Torts
- Business Associations (including Agency)
- Constitutional Law (excluding principles covered under Civil Procedure and Criminal Law)
- Criminal Law and Constitutional Protections Impacting Criminal Proceedings (excluding coverage of criminal procedure beyond constitutional protections)
- Real Property

Foundational Skills

- Legal Research
- Legal Writing
- Issue Spotting and Analysis
- Investigation and Evaluation
- Client Counseling and Advising
- Negotiation and Dispute Resolution
- Client Relationship and Management

The scope of what will be assessed within the eight FC&P and the seven Foundational Skills will be carefully aligned with minimum competence for entry-level practice and set out in the test content specifications that will be developed as one of the first steps of implementing the recommendations. Test content specifications guide development of test questions and provide notice to candidates of what may be tested and how. While all the features of the new exam's test content specifications have not yet been determined, we plan to include detailed descriptions of the topics and subtopics to be covered within each of the FC&P and Foundational Skills; the weight or emphasis (e.g., percent of test items, amount of testing time) allocated to each FC&P and Foundational Skill; the approximate emphasis to be given to the various item formats; and, when appropriate, the sources of law upon which FC&P content will be based. This list of features is illustrative; additional features may be included. The development of test content specifications will be a collaborative process involving external subject matter experts such as bar examiners, legal educators, and practitioners, including newly licensed lawyers. We expect to publish final test content specifications by the end of 2021.

The list of Foundational Skills includes some skills that might be thought of as performance skills, such as negotiation. To ensure fairness, those skills that can be objectively measured will be assessed using uniform text- or video-based scenarios that require candidates to construct a written response or select the correct response. We will also determine appropriate assessment methods to ensure that exam materials can be provided in accessible formats to candidates with disabilities to ensure they have equal opportunity to demonstrate their proficiency.

The Foundational Skills may be assessed in the context of the FC&P, in which case candidates will be expected to know the applicable legal concepts and principles, or Foundational Skills may be assessed in other legal contexts, in which case a closed universe of appropriate legal resources (e.g., statutes, cases,

rules, regulations) will be provided. The objective is to reduce the amount of legal knowledge candidates must learn for the exam, while emphasizing skills such as interpreting and applying law. The new exam will not be “open book” in the sense of candidates being permitted to bring in or otherwise access materials not made available in the exam materials provided to all candidates. However, the new exam’s emphasis on the application of provided legal resources will yield the practical effect of an open-book exam while maintaining the standardization central to applicant fairness.

The Multistate Professional Responsibility Examination (MPRE) will remain a stand-alone exam that is administered separately from the bar exam. Stakeholders recognize the importance of professional responsibility and value its separate assessment as a core piece of ensuring public protection and trust in the integrity of the legal profession. Because of its importance, professional responsibility may serve as the context for assessing Foundational Skills (e.g., legal analysis, client counseling and advising) on the new bar exam, but the applicable rules or other legal resources will be provided to candidates.

Timing of Test Administration

The new exam will be given as a single event at or near the point of licensure; jurisdictions may still permit students to test in their final semester of law school, as some currently do. This timing is consistent with the purpose of the bar exam in that it places measurement of minimum competence as close in time to the award of a license as possible. It is also consistent with the use of an integrated exam that assesses knowledge and skills holistically. Additionally, single-event testing allows more options for equating and scaling, which is necessary for fairness and consistency in scoring.

A single-event approach avoids concerns expressed by some stakeholders about a multi-event approach, where components of the exam would be administered at separate times. Those concerns included potential negative consequences such as interfering with internships and summer employment opportunities, impacting law school curricula, adding the stress of taking a high-stakes exam during law school, creating multiple “hurdles” for admission, and increasing costs for candidates to prepare for and travel to multiple administrations of the exam.

Among the reasons some stakeholders favored multi-event testing was to permit testing of legal doctrine closer in time to when students learn the content in law school. The TTF concluded that the increased emphasis on assessment of skills and the decreased depth and breadth of coverage of doctrine makes this reason less compelling. In addition, some of those who favored multi-event testing want to use the bar exam as a diagnostic tool, which is not the purpose for which it is designed. Further, some perceived advantages of multi-event testing, such as letting students decide when to take a component and retake separate components if they fail, would also bring disadvantages. Among these would be the challenge for law schools to keep track of where their students are in the bar passage process and the need to tailor bar preparation support to 2Ls, 3Ls, and graduates, all of whom might be at different points in the admission process.

Readers are encouraged to review the comments of TDC members that are provided in [Appendix F](#) and [Appendix H](#) of the Phase 3 report for a fuller appreciation of the range and complexity of the issues considered around this topic. Some of the most compelling comments were those related to fairness to and equity among candidates. For example, one TDC member commented that multi-event testing could lead to a “two-track path to licensure that splits candidates along lines that appear to be racist or classist.” Others expressed concerns that some first-generation law students and those who are struggling academically would feel pressured to take the first component as early as possible, even though they might not be ready to do so before completing law school. Such students might be discouraged from continuing law school if they are not successful, which could have the unintended consequence of limiting the number of first-generation lawyers entering the profession.

Mode and Frequency of Test Administration

The new bar exam will be delivered by computer, either at computer testing centers managed by appropriate vendors or on examinees' laptops at jurisdiction-managed testing sites. Although NCBE offered remote administration of the current bar exam as an emergency option during the COVID-19 pandemic, uniform testing conditions and accessibility for all candidates can be best ensured by in-person administration.

The exam will continue to be offered two times each year.

Implementation

It is estimated that it will be four to five years before the new exam is administered for the first time. A website dedicated to implementation of the new exam will be used to help keep stakeholders informed about the process. The major steps of implementation will include

- developing test content specifications identifying scope of coverage;
- drafting new types of questions for integrated testing of knowledge and skills;
- ensuring accessibility for candidates with disabilities;
- field-testing new item formats and new exam content;
- conducting analyses and review to ensure fairness for diverse populations of candidates;
- evaluating options for computer delivery of the exam;
- reviewing procedures and scoring guidelines for grading constructed response items (e.g., essays);
- establishing scoring processes and psychometric methods for equating/scaling scores;
- developing test administration policies and procedures;
- assisting and supporting jurisdictions in activities such as establishing passing score requirements and amending rules to align with changes to the exam; and
- providing study materials and sample test questions to help candidates prepare.

Implementation will be conducted in a systematic, transparent, and collaborative manner, informed by input from and participation by stakeholders, and guided by best practices and the professional standards for high-stakes testing. We will ensure that information is provided to jurisdictions, candidates, and law schools in a timely manner to create a smooth transition to the new exam.

NextGen 
Bar Exam of the Future

Bar Exam Content Scope

FIRST ADMINISTRATION
JULY 2026

NCBE National Conference
Of Bar Examiners

Building a competent, ethical, and diverse legal profession.

MAY 2023



National Conference
of Bar Examiners

Building a competent, ethical,
and diverse legal profession

The National Conference of Bar Examiners, founded in 1931, is a not-for-profit corporation that develops licensing tests for bar admission and provides character and fitness investigation services. NCBE also provides testing, research, and educational services to jurisdictions; provides services to bar applicants on behalf of jurisdictions; and acts as a national clearinghouse for information about the bar examination and bar admissions.

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NCBE promotes fairness, integrity, and best practices in admission to the legal profession for the benefit and protection of the public. We serve admission authorities, courts, the legal education community, and candidates by providing high-quality

- assessment products, services, and research
- character investigations
- informational and educational resources and programs

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A competent, ethical, and diverse legal profession.

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Foundational Skills

Note: The task list below is **preliminary** and is expected to be finalized in 2024. NCBE is currently evaluating methods for assessing performance on tasks through pilot and field testing of questions. This performance will be assessed based on

- topics identified in the Foundational Concepts and Principles outlines; or
- other topics not identified in those outlines with relevant resources provided.

Foundational Skills Group A: Issue Spotting and Analysis, Investigation and Evaluation

The purpose of Foundational Skills Group A is to assess the extent to which an examinee can apply fundamental legal principles and legal reasoning to analyze given fact patterns.

1. Identify which legal principles are likely to affect the outcome of a matter.

Note: Depending on the context of the question, a question assessing Task 1 may be classified as either an Issue Spotting and Analysis question (Group A) or a Legal Research question (Group C).

2. Identify which facts are likely to be relevant to or dispositive of a legal issue in a matter.

Note: Depending on the context of the question, a question assessing Task 2 may be classified as either an Issue Spotting and Analysis question (Group A) or a Legal Research question (Group C).

3. Identify the applicable standards of review and/or burdens of proof that will apply to legal issues in a matter.

4. Identify the strengths and weaknesses of a client's position or an opposing party's position based on the relevant legal rules and standards.

5. In a matter that requires additional factual development, identify which facts need to be investigated, or the best strategy for investigating or eliciting those facts, in order to be able to evaluate the strengths and weaknesses of a client's position or an opposing party's position based on the relevant legal rules and standards.

6. Assess the probable outcome of a claim, motion, discovery matter, or objection based on the relevant legal rules and standards.

7. Identify the applicable or dispositive language, standards, elements, or factors of a provided resource (such as a statute, contract, or judicial opinion).

Note: Depending on the context of the question, a question assessing Task 7 may be classified as either an Investigation and Evaluation question (Group A) or a Legal Research question (Group C).

Foundational Skills Group B: Client Counseling and Advising, Negotiation and Dispute Resolution, Client Relationship and Management

The purpose of Foundational Skills Group B is to assess the extent to which an examinee can identify lawyering strategies within the lawyer-client relationship, based on the relevant rules and standards and consistent with a client’s objectives, interests, and constraints.

8. Identify which claims to recommend bringing, which remedies to recommend seeking, which evidence to present, which arguments or defenses to raise, or how to respond to arguments or defenses, based on the relevant legal rules and standards and consistent with a client’s objectives, interests, and constraints.
9. In a matter requiring review of a provided transcript of an interview, deposition, or examination of a client or fact witness, identify gaps in information obtained, suggestions for improvement, and/or grounds for objection (if applicable).

Note: Depending on the context, a question assessing Task 9 may be classified as either an Investigation and Evaluation question (Group A), a Client Counseling and Advising question (Group B), or a Client Relationship and Management question (Group B).
10. Identify two factors that favor a client’s position or two factors that favor an opposing party’s position in a matter.
11. Identify two benefits or two drawbacks of a proposed resolution of a dispute, consistent with a client’s objectives, interests, and constraints.
12. Identify potential terms of an agreement that could lead to a negotiated resolution of a dispute.
13. In a matter in which a client has multiple stated objectives, explain why a legal rule or principle, as applied to the client’s situation, may make one of those stated objectives unattainable.
14. Determine the best strategy for identifying a client’s needs and interests underlying the client’s stated objectives, in order to aid the client in setting goals in a matter.

Note: Issues related to the rules of professional responsibility listed below frequently arise in the context of Group B Foundational Skills (Client Counseling and Advising, Negotiation and Dispute Resolution, and Client Relationship and Management). Knowledge of the following American Bar Association Model Rules of Professional Conduct (MRPC) will not be assessed in stand-alone questions but may be assessed in the context of assessment of Group B Foundational Skills.

- MRPC Rule 1.1: Competence
- MRPC Rule 1.2(a) and (d): Scope of Representation and Allocation of Authority Between Client and Lawyer
- MRPC Rule 1.3: Diligence
- MRPC Rule 1.4: Communications
- MRPC Rule 1.6(a) and (c): Confidentiality of Information
- MRPC Rule 1.7: Conflict of Interest: Current Clients

- MRPC Rule 3.1: Meritorious Claims and Contentions
- MRPC Rule 3.3(a)(1)–(2): Candor Toward the Tribunal
- MRPC Rule 4.1: Truthfulness in Statements to Others
- MRPC Rule 4.2: Communication with Person Represented by Counsel
- MRPC Rule 4.3: Dealing with Unrepresented Persons

Foundational Skills Group C: Legal Research

The purpose of Foundational Skills Group C is to test the extent to which an examinee can identify and implement legal research strategies, including preliminary issue-spotting, working with provided resources, developing and refining a theory of the case, and reaching closure on research questions.

15. In a matter that requires legal research, identify the research questions that need to be answered.
16. Identify ambiguities in the language, standards, elements, or factors of a provided resource (such as a statute, contract, or judicial opinion).
17. Identify efficient legal research strategies (including appropriate search terms) that are likely to uncover other legal sources to assist in the interpretation of a provided resource (such as a statute, contract, or judicial opinion).
18. Given a collection of legal sources, identify the roles and characteristics of the sources, including their authoritative weight.
19. Given one or more judicial opinions, identify the facts in a matter that are analogous to and/or distinct from the dispositive facts in the opinions.

Note: Depending on the context of the question, a question assessing Task 19 may be classified as either an Issue Spotting and Analysis question (Group A) or a Legal Research question (Group C).

20. Given a collection of legal sources, identify other sources, search terms, or research strategies that might be used to update sources or find additional sources.
21. Given a collection of legal sources, identify which sources are relevant to or dispositive of a legal issue in the matter.
22. Given a collection of legal sources, identify whether the sources are sufficient to complete an assigned research or other lawyering task.

Foundational Skills Group D: Legal Writing and Drafting

The purpose of Foundational Skills Group D is to test the extent to which an examinee can complete a legal writing or drafting task based on the relevant rules and standards and consistent with a client’s objectives, interests, and constraints.

23. Draft or edit correspondence to a client explaining the legal implications of a course of action, updating the client on the status of the client’s matter, and/or providing advice on the next steps to be taken in the matter.
24. Given draft sections of a complaint or an answer to a complaint in a matter, identify language that should be changed, and make suggestions for how that language should change, consistent with the facts, the relevant legal rules and standards, and the client’s objectives, interests, and constraints.
25. Given draft sections of affidavits that must be submitted to a court or other tribunal in a matter, identify the best affiant and best language to support each element to be proved, consistent with the facts, the relevant legal rules and standards, and the client’s objectives, interests, and constraints.
26. Given draft provisions of a contract, identify language that should be changed, and make suggestions for how that language should change, consistent with the facts, the relevant legal rules and standards, and the client’s objectives, interests, and constraints.
27. Given a collection of legal sources, draft specified section(s) of a document, demonstrating skill at formulating an original legal analysis. This task may include
 - an objective memo;
 - a persuasive brief or letter; or
 - another common document, such as a mediation brief, an opinion letter, or a draft proposal for a contract.

Foundational Concepts and Principles: Business Associations and Relationships

Subject Matter Outline

Topics in this outline will be tested using tasks from the Foundational Skills outline. Questions may test topics from more than one subject area.

Examinees may expect that some questions will be presented with legal resources. When legal resources are provided within the test, the examinee will be expected to demonstrate their ability to efficiently analyze and apply the legal resources to answer the question or questions.

Within this outline, there are two types of topics:

Topics with a star symbol ★

Topics followed by a star symbol ★ require an examinee to rely solely on recalled knowledge and understanding of the topic; they will be tested without provision of legal resources.

Topics without a star symbol

Topics without a star symbol may be tested with or without provision of legal resources. When these topics are tested without legal resources, the examinee is expected to rely on recalled knowledge and understanding that will enable the examinee to demonstrate recognition that the topic is at issue in the fact scenario.

Where the applicable law is noted in this outline, that law is controlling. In all other cases, if specific statutory rights and remedies are tested, the applicable legal resources will be provided.

If a particular topic's scope is described in this outline, that does not indicate greater importance or testing frequency of the topic.

- I. Agency and authority
 - A. Creation ★
 - B. Agent's authority to bind principal
 1. Actual authority ★
 2. Apparent authority ★
 - C. Agent's fiduciary duties to principal
 1. Duty of care ★
 2. Duty of loyalty ★

Topics followed by a star symbol ★ require an examinee to rely solely on recalled knowledge and understanding of the topic; they will be tested without provision of legal resources. Topics without a star symbol may be tested with or without provision of legal resources. When these topics are tested without legal resources, the examinee is expected to rely on recalled knowledge and understanding that will enable the examinee to demonstrate recognition that the topic is at issue in the fact scenario.

D. Termination ★**II. Vicarious liability of principal for acts of agent ★**

This topic includes the doctrines of respondeat superior and vicarious liability, as well as joint venture liability. This topic also includes distinctions between employees and independent contractors. *See also* Torts II.F. Liability for acts of others.

III. Formation, management, and control of general partnerships

This topic includes the de facto treatment of improperly created corporations and limited liability companies as general partnerships, as well as the authority of general partners to manage the partnership.

IV. Formation of corporations and limited liability companies**A. Corporations**

1. Incorporation documents
2. Bylaws
3. Amendments to incorporation documents and bylaws

B. Limited liability companies

1. Certificate of organization
2. Operating agreement
3. Amendments to certificate of organization and operating agreement

V. Corporate promoters: pre-organization contracts and fiduciary duties**VI. Management and control of corporations and limited liability companies****A. Corporations****1. Powers and rights of shareholders**

This topic includes classes of shares (preferred and common) and the requirements for annual meetings (notice and quorum).

2. Powers and rights of directors

This topic includes the requirement for directors' meetings (notice and quorum) and action by committee.

3. Powers and rights of officers**B. Powers and rights of members and managers of limited liability companies**

VII. Fiduciary duties within business associations

- A. Fiduciary duties of general partners ★**
- B. Fiduciary duties of corporate officers and directors ★**
- C. Fiduciary duties of limited liability company members and managers ★**

VIII. Shareholder and member litigation

This topic includes understanding who is suing whom in direct and derivative litigation.

IX. Liability rules related to business associations

- A. Liability of general partners under the Revised Uniform Partnership Act (1997) ★**
- B. Liability of corporate officers and directors under the Model Business Corporation Act (2016) ★**
- C. Liability of limited liability company members and managers under the Uniform Limited Liability Company Act (2013) ★**
- D. Piercing the veil ★**

Foundational Concepts and Principles: Civil Procedure

Subject Matter Outline

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Examinees are to assume the application of (1) the Federal Rules of Civil Procedure and (2) the sections of Title 28 of the US Code pertaining to district court and appellate jurisdiction, venue, and transfer.

If a particular topic's scope is described in this outline, that does not indicate greater importance or testing frequency of the topic.

I. Jurisdiction and venue

A. Federal subject-matter jurisdiction

1. Federal question jurisdiction ★

This topic includes the well-pleaded complaint rule and the general requirement that the case involve interpretation of the Constitution or laws of the United States or “arise under” the federal law that creates the cause of action.

2. Diversity jurisdiction ★

This topic includes citizenship of individuals, the complete diversity rule, citizenship of entities, the amount-in-controversy requirement, and aggregation of claims.

3. Concurrent and removal jurisdiction ★

This topic includes the types of cases that are removable (cases that can be brought originally in federal court and cases where the defendant is a citizen of the forum state), as well as the district to which a case must be removed.

4. Supplemental jurisdiction

This topic includes the “same case or controversy” requirement and discretionary factors permitting the court to decline jurisdiction.

B. Personal jurisdiction ★

This topic includes the constitutional standards for specific in personam jurisdiction (minimum contacts, “arising out of,” reasonableness) and general in personam jurisdiction (“at home”). Specific jurisdiction includes application in a variety of contexts, such as intentional torts, contracts, “stream of commerce,” and e-commerce claims. General jurisdiction includes application to both individuals and corporations. This topic also includes the application of long-arm statutes, consent, and waiver.

C. Service of process and notice

This topic includes the constitutional requirement of notice, the different ways to serve individuals and corporations, and waiver of service of process.

D. Venue, forum non conveniens, and transfer

This topic includes the two basic circumstances in which venue is proper: where the defendant (individual or corporation) resides or where a “substantial part of” the events occurred. This topic also includes remedies when venue is improper and rules governing transfer of venue on the basis of forum non conveniens.

II. State law in federal court

This topic includes the Erie doctrine as related to the basic difference between substance and procedure and when state law, including state choice-of-law rules, displaces federal procedural rules.

III. Pretrial procedures**A. Preliminary injunctions and temporary restraining orders**

This topic includes familiarity with the purpose of temporary restraining orders and preliminary injunctions as tools to maintain the status quo pending adjudication of a case. This topic also includes understanding that preliminary injunctions can become permanent injunctions.

B. Notice pleadings and amended pleadings ★

This topic includes notice pleadings and amended pleadings, including the relation-back doctrine.

C. Rule 11 ★

This topic includes the requirements of reasonable inquiry, good-faith arguments for changes in the law, and proper purpose, as well as the timing and procedures for Rule 11 sanctions.

D. Joinder of parties and claims

1. **Joinder of multiple claims, joinder of parties, counterclaims, crossclaims, third-party practice, and the court's overriding power to sever** ★
2. **Intervention under Rule 24**

E. Disclosures and discovery

1. **Scope and limits of discovery** ★
2. **Rule 26(f) conference and planning for discovery** ★
This topic includes a general understanding of the parties' obligation to confer to develop a proposed discovery plan.
3. **Discovery tools and mechanisms, including e-discovery** ★
This topic includes depositions (including corporate representative discovery), interrogatories, requests for production and inspection, and physical and mental examination. This topic also includes how to handle electronically stored information, including metadata and large volumes of e-discovery material.
4. **Discovery motions**
This topic includes motions for protective orders, the process for claiming privilege, and motions to compel disclosure or response. This topic also includes understanding that a party may be subject to sanctions for failure to comply with discovery rules, but not the particulars of which types of sanctions are appropriate.

IV. Preserving the right to a jury trial

This topic includes the need to preserve the right to a jury trial in the complaint and the consequences of failing to do so (waiver).

V. Dispositive motions

- A. **Motion to dismiss for failure to state a claim** ★
- B. **Summary judgment motion** ★
- C. **Motion for judgment as a matter of law (directed verdict and judgment notwithstanding the verdict)**

VI. Judgments

- A. **Default judgment** ★
- B. **Effect of judgment** ★
This topic includes the elements of claim and issue preclusion.

VII. Appealability and review

A. Final judgment rule

B. Availability of interlocutory review

C. Standard of review on appeal

This topic includes the distinctions between levels of discretion given to the appeals courts in reviewing trial court findings (de novo, clearly erroneous, abuse of discretion, plain error, and harmless error).

Foundational Concepts and Principles: Constitutional Law

Subject Matter Outline

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I. Federal judicial power

A. Justiciability requirements: case or controversy and standing ★

This topic includes the elements of standing, the broad prohibitions on citizen and taxpayer standing, and aspects of the “case or controversy” requirement related to claims brought against the government to enforce statutes.

B. Other justiciability doctrines: ripeness, mootness, and advisory opinions ★

C. The Eleventh Amendment and state sovereign immunity

This topic includes distinctions between suits against states and suits against local governments, litigation between state and federal governments, claims against government officials, suits for damages and for injunctive relief, state law claims and federal law claims, consent to be sued, and congressional power to abrogate state immunity.

D. Judicial authority to interpret the Constitution and laws

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II. Legislative powers

A. Congress’s commerce, taxing, and spending powers ★

This topic includes the requirement of a “substantial effect” on interstate commerce, regulation of economic and noneconomic activity, and regulation through spending (conditional grants).

B. Congress’s power to enforce the Thirteenth, Fourteenth, and Fifteenth Amendments

III. Executive powers

A. The president’s power as commander in chief

B. The president’s power to appoint and remove officials

This topic includes the president’s appointment and removal power regarding executive branch officials and Congress’s authority to limit the president’s appointment and removal powers.

C. The powers of federal administrative agencies

This topic includes the roles of administrative agencies as executive enforcers of laws and regulations, as “legislators” with rule-making authority, and as “judges” conducting hearings and issuing decisions.

IV. The relation of nation and states in a federal system

A. Intergovernmental immunities

1. Prohibition on state taxation of federal entities

2. Prohibition on federal commandeering of state legislation and enforcement

B. Federalism-based limits on state authority

1. Supremacy clause and preemption ★

This topic includes the presumption against federal preemption and the distinction between express and implied preemption.

2. Dormant commerce clause, including congressional authorization of otherwise invalid state action, and the market participant doctrine

V. Individual rights

A. State action requirement and the exception for exclusive government functions

B. Substantive due process

1. The right to privacy

This topic includes the right to reject unwanted medical care, the right to educate one’s children, the right to live with whomever one chooses, the right to marriage, the right to contraception, and standards of review.

2. The right to vote

This topic includes voting restrictions (e.g., residency requirements, property ownership, poll taxes, regulations related to party primaries), dilution of the right to vote (the one-person, one-vote principle), racial gerrymandering, and standards of review.

3. The right to travel, including standards of review

4. The right to bear arms, including standards of review

C. Procedural due process, including the constitutional right to process in administrative hearings ★

This topic includes entitlement to due process, the requirements of notice and the right to be heard, waiver of procedural due process rights, and access to courts (e.g., for indigent plaintiffs). This topic also includes welfare and disability benefits, creditors' remedies, and civil forfeiture.

D. Equal protection

1. Classifications subject to strict scrutiny ★

This topic includes suspect classifications (i.e., race, ethnicity, national origin, and alienage) and classifications affecting fundamental rights.

2. Classifications subject to intermediate scrutiny ★

This topic includes quasi-suspect classifications (i.e., gender and nonmarital children).

3. Classifications subject to rational basis review ★

This topic includes classifications that are neither suspect nor quasi-suspect, as well as the deference given to the legislature.

E. Takings

This topic includes the meaning of “taking” and “just compensation,” the “public use” limitation, and the distinction between regulatory taking and regulation that is not a taking.

F. Ex post facto laws

This topic includes the two ex post facto clauses (Article I, §§ 9–10) and due process requirements.

G. First Amendment freedoms: the religion clauses

1. The establishment clause ★

This topic includes the applicability of this doctrine to the states, religious displays on public property, government discrimination among religions, financial benefits to religious entities (e.g., aid to colleges, hospitals, K-12 schools), tax exemptions, curriculum controls, accommodations for religious students, and religious activities in public schools and at school activities off school property.

2. **The free-exercise clause** ★

This topic includes the applicability of this doctrine to the states, the meaning of “religious belief,” the right not to work on the Sabbath, exemptions from antidiscrimination and other laws, and punishment of religious conduct because it is religious.

H. **First Amendment freedoms: the free-speech clause**

1. **Content-based regulation of protected expression** ★

This topic includes regulation of expression based on its content and the applicable standards of review.

2. **Content-neutral regulation of protected expression and forum designations** ★

This topic includes regulation of expression that is not based on its content and the applicable standards of review. This topic also includes time, place, and manner restrictions, as well as distinctions among public forums, limited public forums, and nonpublic forums.

3. **Regulation of expressive conduct** ★

This topic includes regulation of conduct that is tantamount to speech, including the use of symbols as expression.

4. **Regulation of unprotected expression** ★

This topic includes regulation of “fighting words,” obscenity, incitement of illegal activity, and defamatory speech.

5. **Regulation of commercial speech** ★

This topic includes regulation of commercial signs and commercial advertising.

6. **Regulation of, or impositions upon, public school students and public employees, licenses, or benefits based upon exercise of expressive or associational rights**

This topic includes distinctions between speech by government employees pursuant to their official duties and speech by such employees not pursuant to their official duties; government employees’ participation in political campaigns; and issuance of permits.

7. **Prior restraint, vagueness, and overbreadth**

This topic includes facial invalidity, as-applied invalidity, procedural safeguards, the amount of discretion given to officials, and the sufficiency of the government interest.

I. **Freedom of the press**

This topic includes the publication of truthful information, press access to court proceedings (including pretrial proceedings, the need to protect children, and protective orders for discovery materials), and press access to prisons to interview prisoners.

J. **Freedom of association**

This topic includes aspects of freedom of association related to the electoral process (e.g., ballot regulation, party regulation, limits on contributions, limits on expenditures), bar membership, and laws prohibiting or punishing membership in associations.

Foundational Concepts and Principles: Contracts

Subject Matter Outline

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I. Identification of governing law ★

This topic includes understanding whether a transaction at issue in a test question raises issues governed by the common law or the Uniform Commercial Code Article 2 (UCC), or whether it is a hybrid transaction.

II. Formation of contracts

A. Mutual assent (offer and acceptance, and unilateral, bilateral, and implied-in-fact contracts)

This topic includes what constitutes an offer and an acceptance, how an offeror can control the manner of acceptance, when the offer and acceptance establish mutual assent, and when an offer terminates (e.g., revocation, lapse, rejection, death, counteroffer). This topic also includes the mirror image rule, limitations on the offeror's power to revoke (e.g., option contracts, firm offers, reliance), and when an offer can be accepted only by a return promise, only by performance, or by either a promise or performance. This topic also includes sale advertisements and offers made to the public (e.g., offers of reward money).

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1. **Manifestation of assent** ★
2. **Offers** ★
3. **Limitations on the power of acceptance** ★
4. **Acceptance** ★

B. Consideration (bargained-for exchange) ★

This topic includes what constitutes a bargained-for exchange and adequacy of consideration, past consideration, and moral obligation. This topic also includes the preexisting duty rule and forbearance to sue as consideration.

C. Obligations enforceable without a bargained-for exchange ★

This topic includes promissory estoppel and restitution.

D. Modification of contracts ★

This topic includes requirements for modification; distinctions between modification, waiver, and course of performance; and the effect of no-oral-modification clauses.

E. Contract formation and modification under the UCC

This topic includes contract formation and modification principles under UCC Article 2 and the use of default rules to fill gaps in contract terms.

III. Defenses to enforceability

A. Incapacity to contract

This topic includes contracts entered into by minors or individuals who are impaired, under guardianship, or under the influence of drugs or alcohol.

B. Duress and undue influence

C. Mistake and misunderstanding ★

This topic includes mutual mistake and unilateral mistake, including when a party bears the risk of the mistake. This topic also includes misunderstanding in meaning and scrivener's error (leading to reformation).

D. Fraud, misrepresentation, and nondisclosure ★

This topic includes fraudulent misrepresentation, material misrepresentation, concealment, and nondisclosure, as well as the different remedies available for each.

E. Illegality and public policy

F. Unconscionability under the common law

G. Unconscionability under the UCC

H. Statute of frauds

1. Contracts covered by the statute of frauds ★**2. Satisfaction of the statute of frauds ★****3. Exceptions to the writing requirement ★****4. Statute of frauds under the UCC ★**

This topic includes the UCC's statute-of-frauds requirements, including the exceptions that remove the statute of frauds as a bar to enforcement of a contract (e.g., part performance and specially manufactured goods).

5. Electronic transactions

This topic includes the scope of the Uniform Electronic Transactions Act and when an electronic signature or an electronic record is effective.

IV. Contract content and meaning**A. Parol evidence rule ★**

This topic includes the meaning and application of the parol evidence rule, including the effect of a partially or completely integrated agreement on the admissibility of evidence, and exceptions to the parol evidence rule (e.g., interpretation, fraud, mistake, conditions). This topic also includes differences in application of the rule depending on whether evidence is proffered to supplement, explain, or contradict a written agreement.

B. Parol evidence under the UCC**C. Interpretation ★**

This topic includes the basic rules of contract interpretation and their relative priority with respect to contract language and ambiguities.

D. Usage, course of dealing, and course of performance ★**E. Usage, course of dealing, and course of performance under the UCC****F. Omitted and implied terms****V. Performance****A. Conditions ★**

This topic includes distinctions between promises and conditions. This topic also includes the nonoccurrence and excuse of conditions, as well as conditions of satisfaction.

B. Obligation of good faith and fair dealing ★**C. Performance under the UCC**

This topic includes tender, risk of loss, title, rejection, cure, acceptance, and revocation of acceptance.

D. Warranties and disclaimers under the UCC ★

This topic includes creation and breach of express warranties, warranties of title and against infringement, implied warranties of merchantability and fitness for a particular purpose, what constitutes a breach of warranty, and sellers' defenses to breach of warranty, including warranty disclaimers and failure to provide notice.

VI. Breach and discharge**A. Material breach, partial breach, and substantial performance ★****B. Anticipatory repudiation ★**

This topic includes anticipatory repudiation, retraction of repudiation, and demand for adequate assurance.

C. Anticipatory repudiation under the UCC**D. Impossibility, impracticability, frustration of purpose, and risk of loss ★**

This topic includes the requirements for establishing impracticability or frustration of purpose, the appropriate uses of these defenses, and their effect on each party's performance obligations. This topic also includes the effects of partial and temporary excuse and force majeure provisions.

E. Impossibility, impracticability, frustration of purpose, and risk of loss under the UCC**F. Discharge of duties: accord and satisfaction, substituted contract, novation, rescission, and release ★****G. Breach of employment contracts**

This topic includes the distinction between at-will contracts and contracts for a definite term.

VII. Remedies**A. Expectation interest: direct, incidental, and consequential damages ★**

This topic includes the standard measure of expectation damages and the categories of expectation damages (i.e., direct, incidental, consequential) and when lost profits are recoverable.

B. Causation, certainty, and foreseeability ★

This topic includes causation and certainty requirements for all expectation damages, the foreseeability requirement for consequential damages, and recognition of different ways to calculate an appropriate damages award.

C. Liquidated damages and penalties ★

This topic includes how to distinguish between liquidated damages clauses and penalties, as well as when the parties' agreed-to limitation of remedies is enforceable, and when disclaimers of consequential damages are unenforceable.

D. Avoidable consequences and mitigation of damages ★

E. Reformation

This topic includes the requirements for obtaining reformation of a contract (and equitable defenses) when the parties inadvertently omit an agreed-upon term from the writing.

F. Specific performance and injunction ★

This topic includes when specific performance is an available remedy (e.g., land) and when a court might issue an injunction instead.

G. Reliance and restitution interests

This topic includes reliance damages and restitution as alternatives to expectation damages, restitution for the party in breach, and other circumstances where restitutionary recovery is appropriate to prevent unjust enrichment.

H. Remedies under the UCC**VIII. Third-party rights and obligations****A. Third-party beneficiaries**

This topic includes distinctions between intended and incidental third-party beneficiaries, as well as defenses against claims asserted by intended beneficiaries.

B. Assignment of rights and delegation of duties

This topic includes the types of contractual rights that can be assigned and the types of contractual duties that can be delegated, requirements for assignment or delegation, and the effect of assignment or delegation on who can enforce the underlying contractual obligations against whom (including available defenses). This topic also includes the effect of clauses prohibiting assignment or delegation and the requirements for revocation of gratuitous assignments.

C. Assignment of rights and delegation of duties under the UCC

Foundational Concepts and Principles: Criminal Law and Constitutional Protections of Accused Persons

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Elements of crimes and defenses will be tested on the basis of provided statutes.

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I. General principles

A. Acts and omissions

This topic includes voluntariness, omission as an act, and possession as an act.

B. State of mind

This topic includes the distinction between specific and general intent, the distinction between motive and intent, and the different levels of culpability for the listed subtopics. Examinees should understand different mental states and recognize them when they are presented in the language of specific statutes.

1. Intent or purpose

2. Knowledge

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3. Recklessness
4. Criminal negligence
5. Mistake of fact or law

C. Defenses

1. Provocation
2. Intoxication
3. Self-defense
4. Defense of others
5. Defense of property

D. Jurisdiction

This topic includes federal criminal jurisdiction and state criminal jurisdiction as specified by statute.

E. Burdens of proof and persuasion ★

This topic includes the presumption of innocence and the differences between reasonable suspicion, probable cause, and proof beyond a reasonable doubt. This topic also includes prosecution and defense burdens of proof and a defendant's right to present evidence.

II. Statutory crimes

A. Homicide (including felony murder)

This topic includes the distinctions in levels of intent (described in section I) for homicide charges, felony murder, and vehicular manslaughter. This topic also includes distinctions in homicide offenses, including between intentional murder (premeditated and impulsive killings) and manslaughter (provocation or extreme emotional disturbance doctrine), unintentional murder and manslaughter (depraved indifference, recklessness, and criminal negligence), and felony murder and vehicular manslaughter.

B. Theft

This topic includes statutory theft, aggravated theft, and defenses to these crimes.

C. Burglary

This topic includes statutory burglary, aggravated burglary, and defenses to these crimes.

D. Robbery

This topic includes statutory robbery, aggravated robbery, and defenses to these crimes.

E. Assault and battery

This topic includes statutory assault and battery, aggravated assault and battery, and defenses to these crimes.

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F. Possession and trafficking offenses

This topic includes statutory possession crimes (e.g., possession of drugs, guns, or contraband), possession with intent to distribute, contraband trafficking crimes, and defenses to these crimes.

G. Operating a motor vehicle while impaired or under the influence and vehicular manslaughter

This topic includes driving while impaired or under the influence, vehicular manslaughter, and defenses to these crimes.

III. Inchoate crimes and parties to a crime**A. Attempt**

This topic includes the elements of attempt, defenses to attempt, different formulations of the actus reus requirement (including the “substantial step” test), and general vs. specific intent, as well as lesser included offenses and the merger doctrine.

B. Conspiracy

This topic includes the elements of conspiracy, defenses to conspiracy, and liability of coconspirators for a substantive crime.

C. Parties to crime

This topic includes accomplices and accessories before and after the fact.

IV. Constitutional protections of accused persons

Note: Examinees should answer questions based on protections provided by the US Constitution only.

A. Arrest, search, and seizure [Fourth Amendment]**1. Search ★**

This topic includes the concept of a reasonable expectation of privacy as applied to certain circumstances, including open fields, surveillance, technological information gathering, false friends, dog sniffs, and curtilage.

2. Reasonable suspicion and probable cause ★**3. Search warrant and exceptions ★**

This topic includes requirements for obtaining a valid search warrant, exceptions to the warrant requirement (e.g., search incident to lawful arrest, automobile exception, plain view, consent, stop-and-frisk, hot pursuit, exigent circumstances, community caretaking), and requirements for proper execution of a search warrant (e.g., “knock and announce” and exceptions, proper scope of search, methods that “shock the conscience”).

4. Seizure of persons (Terry stop and arrest) ★

5. **Administrative and suspicionless searches**
This topic includes border searches, inventory searches, airport searches, checkpoints, searches of government offices, and searches in public schools.
 6. **Exclusionary rule and exceptions** ★
This topic includes application of the exclusionary rule and exceptions to the rule (e.g., fruits doctrine, independent source, inevitable discovery, good-faith doctrine, “knock and announce” exception, use of evidence for impeachment).
 7. **Standing to object, including coconspirators and third parties, and state action doctrine**
- B. Confession and privilege against self-incrimination [Fifth Amendment]**
1. **Triggering the Fifth Amendment privilege against self-incrimination (including “testimonial” versus “nontestimonial” standard and incrimination standard)** ★
 2. **Triggering Miranda rights** ★
This topic includes custody, interrogation, and custodial statements.
 3. **Adequacy of Miranda warnings** ★
 4. **Invoking and waiving Miranda rights** ★
This topic includes the differences between the Fifth Amendment right to counsel and the Sixth Amendment right to counsel, how a person must assert Miranda rights, when the rights are properly waived, and what types of subsequent law-enforcement conduct are allowed (e.g., resuming questioning after a lapse of time, questioning about other crimes, questioning after custody has ended, questioning by informants).
 5. **Involuntariness under the Fifth and Fourteenth Amendments** ★
 6. **Exclusionary rule and exceptions** ★
- C. Right to counsel (including ineffective assistance of counsel) [Sixth Amendment]**
1. **When the right attaches** ★
 2. **Waiver of the right to counsel** ★
 3. **Ineffective assistance of counsel** ★
 4. **Right to counsel of one’s choice**
 5. **Exclusionary rule**
- D. Right to disclosure of exculpatory and impeachment evidence**
- E. Due process implications related to identification**
This topic includes the due process implications of lineups, showups, voice exemplars, and photo arrays.
- F. Right to trial by jury**

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Foundational Concepts and Principles: Evidence

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Examinees should assume that the Federal Rules of Evidence (FRE) are in effect.

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I. Relevance and reasons for excluding relevant evidence

A. Probative value

1. Relevance ★

This topic includes understanding that evidence remains relevant and may be admitted even if an opposing party offers to stipulate to it. However, a court may consider an offer to stipulate when judging the evidence's probative value.

2. Exclusion for unfair prejudice, confusion, or waste of time ★

B. Character and related concepts

1. Admissibility of character evidence

2. Crimes, wrongs, or other acts ★

3. Methods of proving character
 4. Habit and routine practice
- C. Opinions and expert testimony
1. Lay opinion ★
 2. Qualification of expert witness
 3. Proper subject matter for expert testimony ★
 4. Reliability of expert testimony ★
 5. Bases of expert opinion testimony
 6. Ultimate issue rule
- II. Presentation of evidence
- A. Foundation, authentication, and identification, including the best evidence rule ★
 This topic includes understanding that evidence needs to be authenticated and familiarity with the four primary examples set out in FRE 901(b)(1)-(4) of evidence that meets the authentication requirement. This topic also includes what it means to “prove the content” of a writing, as well as understanding how the rules define “writing” and the rules with respect to duplicates.
- B. Competency of witness
- C. Juror’s competency as a witness
- D. Refreshing recollection
- E. Objections and offers of proof
- F. Judicial notice
- G. Limited admissibility
- III. Privileges and other policy exclusions
- A. Spousal immunity and marital communications
- B. Attorney-client and work product ★
- C. Physician/psychotherapist-patient
- D. Insurance coverage
- E. Subsequent remedial measures
- F. Compromise and payment of medical expenses

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IV. Hearsay and circumstances of its admissibility

A. Definition of hearsay ★

B. Statements that are not hearsay

1. Declarant-witness's prior statement ★
2. Opposing party's statement ★

C. Right to confront witnesses

This topic includes the right to confront witnesses and limitations on testimonial hearsay pursuant to the confrontation clause of the Sixth Amendment in criminal cases.

D. Hearsay within hearsay

V. Exceptions to the rule against hearsay

A. Hearsay exceptions—regardless of whether the declarant is available as a witness

1. Present sense impression and excited utterance ★
2. Statement of then-existing mental, emotional, or physical condition
3. Statement made for medical diagnosis or treatment
4. Recorded recollection ★
5. Business records; absence of business record ★
6. Public records and reports; absence of public record
This topic includes understanding that when a record or statement of a public office is offered to prove “factual findings” from a legally authorized investigation, in a civil case or against the government in a criminal case, “factual findings” include conclusions and opinions.
7. Statement in learned treatise, periodical, or pamphlet
8. Reputation concerning character

B. Hearsay exceptions—when the declarant is unavailable as a witness

1. Former testimony ★
2. Statement under the belief of imminent death
3. Statement against interest ★
4. Statement offered against a party that wrongfully caused the declarant's unavailability

- VI. Impeachment, contradiction, and rehabilitation
 - A. Ability to observe, remember, or relate accurately
 - B. Contradiction
 - C. Inconsistent statements and conduct
 - D. Bias and interest
 - E. Character for truthfulness or untruthfulness
 - 1. Impeachment with bad acts
 - 2. Impeachment with convictions
 - F. Religious belief or opinion
 - G. Rehabilitation of impeached witness
 - H. Impeachment of hearsay declarant

Foundational Concepts and Principles: Real Property

Subject Matter Outline

Topics in this outline will be tested using tasks from the Foundational Skills outline. Questions may test topics from more than one subject area.

Examinees may expect that some questions will be presented with legal resources. When legal resources are provided within the test, the examinee will be expected to demonstrate their ability to efficiently analyze and apply the legal resources to answer the question or questions.

Within this outline, there are two types of topics:

Topics with a star symbol ★

Topics followed by a star symbol ★ require an examinee to rely solely on recalled knowledge and understanding of the topic; they will be tested without provision of legal resources.

Topics without a star symbol

Topics without a star symbol may be tested with or without provision of legal resources. When these topics are tested without legal resources, the examinee is expected to rely on recalled knowledge and understanding that will enable the examinee to demonstrate recognition that the topic is at issue in the fact scenario.

If a particular topic's scope is described in this outline, that does not indicate greater importance or testing frequency of the topic.

I. Ownership of real property

A. Present estates

1. Fee simple ★

This topic includes the language used in conveyance and the basic attributes of the fee simple absolute.

2. Defeasible fee

This topic includes the language used in conveyance and the basic attributes of the fee simple determinable, the fee simple subject to condition subsequent, and the fee simple subject to an executory interest.

3. Life estate and life estate pur autre vie

This topic includes the language used in conveyance, the rights and duties of life tenants, and the basic attributes of the life estate (for the life of the life tenant) and the life estate pur autre vie.

B. Future interests

1. Reversion

This topic includes the language used in conveyance and the basic attributes of reversion.

2. Remainder, vested and contingent

This topic includes the language used in conveyance and the basic attributes of an indefeasibly vested remainder, a vested remainder subject to open, a vested remainder subject to total divestment, and a contingent remainder (subject to condition precedent, or unborn or unascertained person). This topic also includes the effect of remainders on the marketability of title and the transferability of remainders.

3. Executory interest

This topic includes the language used in conveyance, the effect of executory interests on the marketability of title, and the transferability of executory interests.

4. Possibility of reverter, right of entry, and power of termination

This topic includes the basic attributes of the future interests that can result when a defeasible fee fails: possibility of reverter, right of entry, and power of termination.

5. Rules affecting future interests: survivorship, class gifts, and waste

This topic includes the language used in conveyance (children, heirs, issue); class members not yet born; when the class closes; conditions on disposition; contingency of survival (express and implied); and affirmative waste, permissive waste, and ameliorative waste (e.g., obligations to pay taxes and make repairs, apportionment of costs for special assessments).

C. Cotenancy

1. Tenancy in common, joint tenancy (the four unities), and tenancy by the entirety (the five unities) ★

This topic includes the language used in the creation of cotenancies, the unities required to create the various types of cotenancies, and distinctions among them.

2. Partition ★

This topic includes the remedy of partition, limitations on partition, and methods of partition.

3. Severance ★

This topic includes aspects of severance related to conveyance, judgment liens, mortgages, and leases.

4. Relations among cotenants

This topic includes possession, rent and profits, cotenant's encumbrance, ouster, and contribution for expenses.

D. Landlord-tenant law

1. Tenancy for years, periodic tenancy, tenancy at will, and tenancy at sufferance ★

This topic includes distinctions among the various types of tenancies, breach of covenants, and creation of leasehold (e.g., express or implied, by operation of law, tenant holdover, invalid lease).

2. Possession, rent, and actual and constructive eviction ★

This topic includes failure to pay rent, when rent accrues, rent deposits, landlord's duty to deliver possession, quiet enjoyment, and landlord and tenant remedies pursuant to a lease.

3. Statutory remedies

This topic includes forcible entry statutes.

4. Assignment and sublease ★

This topic includes assignment by landlord and tenant, covenants that run with the land, reassignment by assignee, original tenant's liability, sublessee's liability for covenants, sublessee's assumption of the lease, sublessee's rights, covenant against assignment and sublease, waiver of covenant against assignment and sublease, and transfer in violation of a covenant.

5. Termination of lease ★

This topic includes surrender, acceptance of surrender, mitigation of damages, anticipatory breach, security deposit, and abandonment/repossession.

6. Habitability and suitability ★

This topic includes independent and dependent lease covenants; tenant's duty to repair; ordinary wear and tear; affirmative, permissive, and ameliorative waste; destruction of premises; implied warranty of habitability; and concealed dangerous conditions.

E. Alienability, descendibility, and devisability of present and future interests

This topic includes total vs. partial restraints, reasonableness of restraints, restraints on future interests, restrictions in commercial transactions, restraints on transfer of a lease, and options and rights of first refusal. This topic does not include the rule against perpetuities.

F. Fair housing/discrimination ★

This topic includes discriminatory restraints in sales and leases (Fourteenth Amendment, Fair Housing Act), retaliatory eviction, discrimination in leasing, racially restrictive covenants, and a basic understanding of reasonable accommodations for tenants with disabilities.

II. Rights in real property**A. Easements and licenses****1. Nature and type of easements and licenses ★**

This topic includes affirmative easement, negative easement, easement appurtenant (and judicial preference for this type), easement in gross, and the differences between an easement and a license.

2. **Creation of easements and licenses** ★

This topic includes easement expressly granted or reserved; easement implied from existing use (reasonable necessity arising in an implied grant or reservation) or by strict necessity; easement implied from subdivision plat; prescriptive easement; and easement arising by estoppel. This topic also includes license expressly created and license created by failing to create an easement.

3. **Scope and apportionment** ★

This topic includes rules of construction, the consequences flowing from a change in use or use outside the scope of an easement, duties to repair, and the effect of subdivision of the dominant estate.

4. **Effect of transfer of the dominant or servient estate and the assignability of easements and licenses** ★

5. **Termination of easements and licenses** ★

This topic includes termination of easement by stated conditions, unity of ownership, release (and statute-of-frauds requirement), abandonment, estoppel, prescription, necessity, condemnation, and destruction of the servient estate. This topic also includes termination of license by revocation (e.g., public amusement cases, breach of contract), and license that becomes irrevocable (e.g., estoppel, license coupled with an interest).

B. **Restrictive covenants**

1. **Nature and type of restrictive covenants** ★

This topic includes affirmative covenant, negative covenant, and equitable servitude.

2. **Creation and enforceability of restrictive covenants and equitable servitudes**

This topic includes the requirements for covenants and servitudes to be enforceable between the original parties (statute of frauds) and the requirements for the benefit/burden to run with the land (e.g., intent, notice, “touch and concern” requirement, horizontal and vertical privity for covenant but not servitude). This topic also includes servitude implied from a common scheme.

3. **Transfer of restrictive covenants and equitable servitudes**

4. **Termination of restrictive covenants and equitable servitudes** ★

This topic includes termination of covenants and equitable servitudes, as well as remedies for breach. For equitable servitude, this topic also includes the defenses of unclean hands, acquiescence, estoppel, and changed neighborhood conditions.

III. **Real estate contracts**

A. **Creation and construction of real estate contracts**

1. **Statute of frauds and exceptions** ★

2. **Essential terms** ★

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3. Time for performance ★

This topic includes the presumption that time is not of the essence (and how the presumption can be overcome), as well as liability issues related to when time is/is not of the essence.

4. Remedies for breach ★

This topic includes specific performance as a remedy for breach; the doctrine of part performance; when tender of performance is excused; liability for defects; damages (including liquidated damages); distinctions between negligence of builders and sellers of existing property as to misrepresentation, fraud, active concealment, and failure to disclose; and disclaimers of liability.

B. Marketability of title ★

This topic includes when a title is “reasonably free from doubt,” defects in the record chain of title, encumbrances, waiver, timing of marketability requirement, merger, and remedies (e.g., rescission, damages, specific performance).

IV. Mortgages and foreclosure**A. Mortgages and deeds of trust****1. Definition of mortgage and deed of trust****2. Purchase money****3. Future advance****B. Mortgage theories: title, lien, and intermediate ★****C. Foreclosure****1. Judicial and nonjudicial**

This topic includes defenses to foreclosure and possession before foreclosure.

2. Acceleration**3. Parties to the process****4. Deficiency and surplus**

This topic includes priorities of senior and junior interests, the effect of foreclosure on junior interests, modification of priorities (e.g., for failure to record, by subordination agreement), distribution of the proceeds of sale, and deficiency judgments.

5. Redemption after foreclosure**V. Titles****A. Adverse possession**

This topic includes the elements of adverse possession, issues affecting the running of the statutory period, and tacking.

B. Transfer by deed

1. Requirements for deed ★

This topic includes the rules of construction related to deeds, the statute-of-frauds requirement, the use of parol evidence (e.g., to resolve an ambiguity, to prove grantor's intent, but not to show conditional delivery), proper description of the land and parties, words of intent, the signature requirement, the fact that consideration is not required, distinctions between void and voidable deeds, and delivery and acceptance issues (including conditional delivery and relation back of acceptance).

2. Types of deeds ★

This topic includes general warranty deed, covenants of title (i.e., seisin, right to convey, against encumbrances, warranty, quiet enjoyment, and further assurances), breach of covenant (and damages), statutory special warranty deed, and quitclaim deed.

C. Recording acts

1. Types of recording acts

This topic includes notice statutes, race statutes, race-notice statutes, and who is protected (e.g., purchaser for value).

2. Indexes

This topic includes title searches, grantor and grantee indexes, the effect of recordation, issues related to mistakes by the recorder, and issues related to recording an unacknowledged instrument.

3. Chain of title

4. Undelivered and forged deeds

Foundational Concepts and Principles: Torts

Subject Matter Outline

Topics in this outline will be tested using tasks from the Foundational Skills outline. Questions may test topics from more than one subject area.

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If a particular topic's scope is described in this outline, that does not indicate greater importance or testing frequency of the topic.

I. Intentional torts

A. Harms to the person

This topic includes all elements of each intentional tort, including the defendant's act, intent (including knowledge to a substantial certainty, transferred intent, the distinction between intent and motive, and who can form intent [e.g., minor children]), causation, and harm/damages (as required).

1. Assault ★
2. Battery ★
3. False imprisonment ★
4. Intentional infliction of emotional distress ★

B. Interference with property interests

1. **Trespass to land** ★
2. **Trespass to chattels** ★
3. **Conversion** ★

C. Defenses to intentional torts**1. Consent** ★

This topic includes distinctions among different types of consent (e.g., actual vs. apparent), when an action exceeds the scope of the consent, when consent is validly given, and when consent is unnecessary (e.g., life-saving surgery on an unconscious injured party with no available representative).

2. Other defenses to intentional torts

This topic includes self-defense, defense of others, defense of property, recapture of chattels (including the shopkeeper’s privilege), public and private necessity, parental discipline, and privilege of arrest in the context of law enforcement activity.

II. Negligence**A. Duty of care to foreseeable and unforeseeable plaintiffs**

1. **Duty to control third persons** ★
2. **Duty to act when previous actions exacerbate a risk of harm** ★
3. **Duty of owners and occupiers of land**
This topic includes distinctions between natural and artificial conditions on land, as well as duties owed to entrants and passersby (under both the traditional and modern approaches).
4. **Duty to avoid unreasonable risk of causing emotional distress**
This topic includes “zone of danger” requirements and exceptions for “bystander” cases, requirements related to physical symptoms of distress, special relationships between the parties, and negligent reporting of a family member’s death.

B. Standard of care

1. **The reasonably prudent person and the standards applied to children, physically and mentally impaired individuals, professionals, and persons acting in emergency situations** ★

2. Rules of conduct derived from statutes; relevance of custom ★

This topic includes the requirements for negligence per se (e.g., the plaintiff is within the class of people the statute was designed to protect, the incident resulting in injury was the type of injury that the statute aimed to prevent), how the use of negligence per se affects the plaintiff's case, the defendant's use of a statute to defend against a negligence claim, and how this use of a statute affects the defendant's case. This topic also includes the relevance of custom in establishing the standard of care, the weight to be given to statutes and customs when they are used to establish standards of care, and the use of rebuttal evidence by the opposing party.

C. The use of direct and circumstantial evidence to prove fault, including *res ipsa loquitur* ★

This topic includes the use of direct evidence, the use of circumstantial evidence, and the conditions for the use of *res ipsa loquitur* (e.g., the incident was the type of incident that does not ordinarily occur without someone having been negligent, the harm was caused by an instrumentality under the exclusive control of the defendant).

D. Actual causation ★

This topic includes the but-for test, the substantial factor test, multiple necessary causes, and multiple sufficient causes.

E. Proximate causation ★

This topic includes the "scope of the risk" test, as well as intervening and superseding causes.

F. Liability for acts of others

This topic includes parental responsibility for the negligence of minor children and the exception for nondelegable duties. *See also* Business Associations II. Vicarious liability of principal for acts of agents.

G. Pure and modified comparative negligence ★

H. Express assumption of risk

III. Common-law strict liability for abnormally dangerous activities and defenses to such claims

This topic includes the common types of abnormally dangerous activities and who may sue, the use of comparative negligence as a defense, and the common test that the harm must arise from the risk that made the activity abnormally dangerous.

IV. Products liability based on the design, manufacture, and distribution of products and defenses to such claims

This topic includes the different theories of liability in products liability cases, the different types of defects (manufacturing defect, design defect, and failure to warn), who may sue, who may be sued, the defenses of alteration and misuse, and foreseeable misuse.

V. Nuisance and defenses to such claims

A. Private nuisance ★

This topic includes the elements of private nuisance (e.g., unreasonable interference with another's use and enjoyment of land), the locality rule for determining when an interference is unreasonable, and the distinctions between private nuisance, trespass, and public nuisance.

B. Public nuisance**VI. Misrepresentation and defenses to such claims****A. Fraudulent misrepresentation****B. Negligent misrepresentation****VII. Damages****A. Apportionment of responsibility among multiple tortfeasors**

This topic includes joint and several liability and apportionment of responsibility and damages among tortfeasors.

B. Categories of damages recoverable in tort actions

This topic includes the availability and proper roles of compensatory damages (general and special, e.g., medical expenses, pain and suffering, emotional distress, property damage, loss of enjoyment, loss of consortium), punitive damages, and nominal damages in tort actions. This topic also includes the “thin skin” rule, failure to mitigate, attorney’s fees, and statutory limitations on recovery.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: August 24, 2023
RE: Report on the Washington State Bar Licensure Task Force

The Washington Bar Licensure Task Force was established by the Washington Supreme Court on November 20, 2020, with the goal of evaluating and assessing the efficacy of Washington state bar licensure requirements and analyzing alternatives. You can review the initial charter [here](#) and the order extending the charter to December 31, 2023 [here](#). The Task Force is chaired by Justice Raquel Montoya-Lewis and Dean Anthony Varona, Seattle University School of Law and its members include Gov. Brent Williams-Ruth, Gov. Jordan Couch, and me. You can review the entire membership of the Task Force [here](#).

The group has met quasi monthly to study Washington's licensure requirements, with an emphasis on the bar exam and the process for reviewing character and fitness to practice law. In addition to periodic updates from Govs Williams-Ruth, Couch, and myself, the Board received an update on the work of the Task Force from its co-chairs in January 2023. At that time, we reviewed the July 6, 2022 Bar Licensure Task Force Progress Report submitted to the Court by Gov. Williams-Ruth.

In your confidential materials, please find two draft proposals that the Task Force has submitted to the Court.

Note that on April 17, 2021, the Board of Governors adopted a resolution in support of a bar exam as a continued requirement of admission, which also expressed support for the work of the Bar Licensure Task Force. You can find a copy of that resolution [here](#).

TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: August 23, 2023
RE: FY24 WSBA Strategic Priorities

DISCUSSION: Discuss WSBA strategic planning and provide feedback to the Executive Director and President-Elect to guide next steps.

At the Board’s annual planning retreat on Saturday, June 24, facilitated by John Phelps, the Board began a discussion about setting strategic priorities for Fiscal Year 2024.

Background

After many years of operating without a strategic plan or strategic goals, the practice of setting organizational priorities or goals was reestablished earlier this year. The process was kicked off with a special meeting and goal-setting retreat, organized by President Daniel D. Clark and me. The intention of that retreat was to begin developing shared goals for the Board’s work in Fiscal Year 2023 to promote teamwork, efficiency, transparency, and accountability. Ultimately, the Board adopted five goals for FY23:

- Goal 1 Focus Area: Increase member engagement in WSBA’s volunteer community.
- Goal 2 Focus Area: Establish a Process for WSBA Program Review
- Goal 3 Focus Area: Support Rural Practice
- Goal 4 Focus Area: Develop a Strategic Plan for the Future of WSBA’s Space
- Goal 5 Focus Area: Increase WSBA’s Commitment to Diversity, Equity, and Inclusion

These goals were described as “Annual Board Goals”. Although these goals were not adopted until the beginning of Q2, we have made considerable progress in furtherance of them, which was detailed in my presentation during the planning retreat.

Strategic Planning Recommendations

As we strive for constant improvement as an organization and based on our discussions at the retreat and recommendations from John Phelps, below are some recommended shifts to our approach to strategic planning:

1. **For FY24, adopt three or fewer strategic priorities.** As an integrated bar association, WSBA is engaged in a multitude of activities to further its mission to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice. These activities will all continue unless and until directed otherwise. The point of setting strategic priorities is to identify those areas that need additional attention and/or resources *now* in order to further WSBA’s long-term vision of success. The fewer areas we identify, the greater the emphasis we can provide in those areas.

2. **Describe what is adopted as WSBA’s Strategic Priorities.** The Board sets policy and a strategic vision for WSBA. Once established, much of the work to achieve that vision will be carried out by staff and volunteers that serve WSBA in various capacities. Little of the work will be done by the Board itself. In setting strategic priorities, the Board is directing WSBA staff and volunteers as to what areas of work we should be prioritizing, in addition to the day-to-day work of carrying out all aspects of an integrated bar. To clearly communicate this, the priorities should be identified as “WSBA” rather than “Board” priorities. I also specifically suggest use of the term “priorities” rather than “goals” as it seems to better reflect that these are areas of focus (or priority), rather than goals that we expect to achieve in a single year.
3. **Begin working on the development of a long-term strategic plan.** I believe we all can acknowledge that the challenges that WSBA, the legal profession, and the legal system face cannot be meaningfully addressed in one year. In order to be effective and bring about meaningful impacts, it is essential that the leaders of WSBA develop a long-term strategic vision for WSBA and develop a roadmap for achieving that vision. A subcommittee of the Long-Range Strategic Planning Council has been working on a revised charter that is intended to refocus the work of the Council. That focus would be supporting the Board by developing and proposing adoption of a long-term strategic plan. The revised charter is expected to be presented to the Board for approval early in FY24.

Proposed Strategic Priorities for Fiscal Year 2024

During the June retreat, the Board, officers, and senior staff identified and discussed a number of potential priorities for FY24. Some would be a continuation of this year’s goals, while others are new. Retreat participants also engaged in a straw poll, which was intended to take the temperature of the group. Our Facilitator John Phelps recommended that we use these results to foster further discussion prior to the Board taking action to formally adopt priorities for next year. In consultation with President Clark and President-Elect Abell, my intent is to present strategic priorities for the Board’s adoption at the November 2023 meeting. The content of that proposal will be informed by your input during our discussions at the September 2023 meeting. Below is a list of the priorities identified in June, the straw poll results, and some preliminary suggestions from myself and the Executive Leadership Team.

1. **Develop a strategic plan for the future of WSBA’s space.** 14 votes. At the September meeting, the Board will consider a recommendation from the Budget & Audit Committee to authorize our broker to begin negotiations with our landlord to extend our lease and reduce our footprint. For some members of the Board, this may fully resolve this issue. However, if there is a continued long-term vision to purchase a building or to otherwise expand WSBA’s office holdings, developing a strategic plan would be an important process to continue with.
2. **Assess technology-related opportunities and threats, and determine WSBA’s role vis-à-vis regulation, consumer protection, and support to legal professionals.** 11 votes. This potential priority has several aspects, including potential regulatory change, as well as an emphasis on providing resources and information to WSBA members. If adopted as a priority, suggested activities include establishing a technology task force to focus on supporting legal professions to understand, adapt, and respond to new

technologies positioned to disrupt the practice of law and continuing to engage with the Washington Supreme Court and the Practice of Law Board with regard to regulatory innovation.

3. **Support rural practice.** 9 votes. The Small Town and Rural (STAR) Committee is leading WSBA's efforts on this topic and is anticipated to bring proposed solutions to the Board by the end of FY24. This work has largely been operationalized and will continue unless and until the Board directs otherwise. However there may be value in maintaining it as an organizational priority.
4. **Increase WSBA's commitment to diversity, equity and inclusion.** 8 votes. As written, this is essentially a restatement of one of WSBA's guiding principles. I would recommend that a more specific strategic priority be adopted that focuses on improving the experiences of Washington's legal professionals. Activities would include studying and developing recommendations from the results of the decennial membership demographic study, as well as updating the DEI Plan, which defines WSBA's role in advancing diversity, equity, and inclusion in the profession.
5. **Determine a budget philosophy and long-term financial plan.** 7 votes. If adopted as a priority, suggested activities include revisiting the budget philosophy set forth in WSBA's Fiscal Policies and Procedures, adopting a license fee philosophy, considering changes to the fiscal year, considering changes to the timing of setting the license fee, and exploring a multi-year budget approach.
6. **Establish a process for WSBA Program Review.** 6 votes. I have been leading this effort on behalf of the organization, which will continue into next year unless and until the Board directs otherwise. The Board should discuss whether this is largely operationalized or whether there is value in maintaining it as an organizational priority.
7. **Ensure access to justice and service the public.** 3 votes. As written, this is essentially a restatement of one of WSBA's guiding principles. A more specific strategic priority could focus on identifying WSBA's role in serving the public, which might be accomplished through a task force.
8. **Increase member engagement in WSBA's volunteer community.** 3 votes. This work is being led by WSBA's Volunteer Engagement Advisor Paris Eriksen, as well as the Member Engagement Committee. This work has largely been operationalized and will continue unless and until the Board directs otherwise. However there may be value in maintaining it as an organizational priority.
9. **Member Well-Being.** 2 votes. Although this topic did not receive many votes, that may be in part because the Board took action to adopt it as an FY24 goal at its May 2023 meeting. Based on that action, it is my assumption that this is already established as one of our FY24 Strategic Priorities. Specific activities to be undertaken include establishing a Member Well-Being Task Force to study the issue of member well-being and report back to the Board.

Discussion Questions

1. Is there consensus to strive to adopt no more than three strategic priorities for FY24?
2. Is it a correct assumption/interpretation that member wellness is already established as a strategic priority based on the action taken by the Board at the May 2023 Board meeting?
3. Which potential priorities would the Board like to consider for adoption at the November 2023 meeting?

4. Is there additional information that the Board would like gathered before the November 2023 meeting?
5. Any other feedback about the process, the potential priorities, or the suggested activities as described above?

2023 ANNUAL CHIEF HEARING OFFICER REPORT
TO THE BOARD OF GOVERNORS

I. INTRODUCTION

The Washington Supreme Court appointed¹ me to serve as chief hearing officer for a two-year term beginning October 1, 2021. WSBA compensates the chief hearing officer \$30,000.00 per year through an independent contractor contract. This report, required by the contract, covers the time period October 1, 2022, through August 15, 2023.

II. DUTIES OF THE CHIEF HEARING OFFICER

Rules for Enforcement of Lawyer Conduct Rule 2.5(e)(2) sets out the chief hearing officer's duties and authority. The chief hearing officer also attends the Discipline Advisory Round Table Meetings and participates as an ex-officio member of the Disciplinary Selection Panel. This report summarizes the chief hearing officer's ELC 2.5 duties.

A. HEAR MATTERS

The chief hearing officer can hear matters. I conducted 2 hearings during this fiscal year.

B. ASSIGN CASES

The chief hearing officer assigns hearing officers and settlement hearing officers to individual proceedings from those the Washington Supreme Court appoints to the list. I have appointed 26 hearing officers and 21 settlement hearing officers between October 1, 2022, and August 15, 2023. There are 2 proceedings currently waiting for hearing officer appointments.

I receive a weekly report listing the cases needing hearing officer and settlement hearing officer assignments. The Formal Complaints are placed in a Box folder so I can access them as needed. I review the information and contact hearing officers who do not have current assignments. I have not had any difficulty finding hearing officers willing to accept new assignments. In fact, several consistently volunteer for more work. I have attempted to broaden the experience of all hearing officers by assigning them equally to settlement conferences, as well as to disciplinary and disability proceedings. To this extent I feel I have been successful. Fortunately, most disciplinary hearings only require 2-3 days, which is easier for hearing officers to accommodate. I will be challenged finding and assigning hearing officers to longer proceedings (in excess of one week), and may need to explore bifurcating proceedings, so as to not create an undue hardship on

¹ The Supreme Court, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel, appoints a chief hearing officer for a renewable term of two years. ELC 2.5(e)(1).

the hearing officer. (This is something commonly done in workers' compensation cases at the administrative level with the Board of Industrial Insurance Appeals).

C. MONITOR AND EVALUATE HEARING OFFICER PERFORMANCE

I monitor and evaluate hearing officer performance through frequent contact with the hearing officers and through review of written orders and decisions. Hearing officers frequently contact me with questions about hearing procedures, including questions about photographing and recording proceedings and controlling participant behavior. This fiscal year due to the end of the Covid pandemic, we had many questions regarding when to conduct remote and hybrid hearings, and the transition back to in-person hearings from fully remote or hybrid hearings. Hybrid hearings have both an in-person and remote component. In support of this transition, we established protocols for conducting remote and hybrid hearings and provided training on these protocols during our annual training.

D. HEAR MOTIONS FOR HEARING OFFICER DISQUALIFICATION

The parties can request hearing officer removal without cause once in each proceeding.² In addition, the parties may move to disqualify a hearing officer for cause.³ I have appointed a new hearing officer 2 time(s) when a party requested removal without cause. I decided 2 motion(s) requesting for cause removal.

E. HEAR PRE-HEARING MOTIONS WHEN NO HEARING OFFICER ASSIGNED

I have decided motions for orders of default, motions deferring discipline proceedings, motions objecting to investigative inquiries and investigative subpoenas, and approved stipulations. I have entered approximately 7 of these orders.

F. HEAR MOTIONS FOR PROTECTIVE ORDERS UNDER RULE 3.2(e)

I have decided 0 motions for protective order this year.

G. HEAR MOTIONS PRIOR TO MATTER BEING ORDERED TO HEARING, INCLUDING WHILE A GRIEVANCE IS BEING INVESTIGATED

I decided none of these motions this fiscal year.

H. HEAR REQUESTS FOR AMENDMENT OF FORMAL COMPLAINT UNDER RULE 10.7(b)

I have not decided any motions under this rule.

I. APPROVE STIPULATIONS TO DISCIPLINE NOT INVOLVING SUSPENSION OR DISBARMENT AS PROVIDED BY RULE 9.1(d)(2)

The chief hearing officer approves stipulations when a hearing officer has not been appointed. I approved approximately 6 stipulations during this fiscal year.

² ELC 10.2(b)(1).

³ ELC 10.2(b)(2).

J. RESPOND TO HEARING OFFICER REQUESTS FOR INFORMATION OR ADVICE RELATED TO THEIR DUTIES.

I responded to frequent requests for hearing officer information or advice relating to their duties. Many of the questions lead to topics for next year's training.

K. SUPERVISE HEARING OFFICER TRAINING IN ACCORDANCE WITH ESTABLISHED POLICIES

Hearing officer training is provided annually and includes CLE credit. We usually provide a five- or six-hour program in Seattle and provide Zoom to facilitate attendance by those outside of Seattle. Topics vary, but include changes to rules or procedures, Supreme Court cases decided over the last year, settlement skills, writing skills, diversity training and accessibility training. The most recent training was held remotely in April 2023. We also provided an orientation training for our new hearing officers in fall 2022. Our next training is targeted for fall 2023.

III. HEARING OFFICERS

We have 22 hearing officers. Hearing officers are appointed by the Supreme Court of Washington for initial two-year terms, followed by five-year terms. There is no limit on the number of 5-year terms. Hearing officer initial and re-appointment applications are reviewed by the Discipline Selection Panel (DSP), which may include receiving input from the chief hearing officer, the Office of Disciplinary Counsel, and a representative from the respondent's counsel community. The DSP makes a recommendation to the WSBA Board of Governors. The Board forwards a recommendation to the Court.

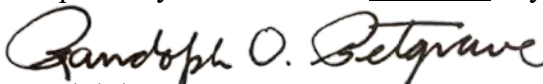
IV. STAFF

Allison Sato and Thea Jennings assist the chief hearing officer with his duties when needed.

V. CONCLUSION

I thank you all for the support I have received during my term as chief hearing officer. Please let me know if you have any specific questions.

Respectfully submitted this 21st day of August, 2023.



Randolph O. Petgrave III
Chief Hearing Officer

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Paris A. Eriksen, WSBA Volunteer Engagement Advisor
RE: ABA Annual House of Delegates Meeting
DATE: August 21, 2023

Information: Review of Issues on the Floor of the ABA House of Delegates Meeting

Please find the attached Daily Journal from the ABA House of Delegates Annual Meeting was held on August 7 – 8, 2023 in Denver, Colorado.

The 2022-2023 WSBA Delegation is as follows: Kyle Berti, Lisa Dickinson, John Felleisen, Austin Hatcher (alternate), Rajeev Majumdar, Amit Ranade and Kyle Sciuchetti.

**AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES**

**2023 ANNUAL MEETING
DENVER, COLORADO
AUGUST 7-8, 2023**

DAILY JOURNAL

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
500	SECTION OF STATE AND LOCAL GOVERNMENT LAW STANDING COMMITTEE ON ELECTION LAW SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE	Urges all federal, state, local, territorial, and tribal legislative bodies and governmental agencies to adopt laws and policies that protect the safety of all election workers and encourages the support of legislative efforts to protect the safety of all election workers.	Adopted
501	SECTION OF DISPUTE RESOLUTION	Reaffirms 11A108, adopted August 2011, supporting civility in public discourse.	Adopted
502	CRIMINAL JUSTICE SECTION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE	Adopts the Fourteen Principles contained in the American Bar Association Criminal Justice Section 2023 <i>Plea Bargain Task Force Report, dated August 2023</i> .	Adopted
503	CRIMINAL JUSTICE SECTION	Urges federal, state, local, territorial, and tribal governments to: repeal laws that provide an exception to the prohibition of slavery and involuntary servitude through prison labor, enact legislation that eliminates hard labor as a form of punishment for a crime, and ensure that all prison labor is voluntary, safe, fairly compensated; and amends the Criminal Justice Standards on Treatment of Prisoners (3 rd Edition, 2011).	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
504	CRIMINAL JUSTICE SECTION	Urges federal, state, local, territorial, and tribal governments to adopt Prosecutor-Initiated Resentencing legislation that permits a court at any time to recall and resentence a person to a lesser sentence upon the recommendation of the prosecutor of the jurisdiction in which the person was sentenced.	Adopted
505	CRIMINAL JUSTICE SECTION	Urges the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States to adopt and implement a rule and procedure by which an attorney would only be required to apply once to practice in federal district court and, once admitted, would be permitted to practice in all federal district courts.	Withdrawn
506	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON LAW AND AGING COMMISSION ON DISABILITY RIGHTS LAW STUDENT DIVISION SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW SENIOR LAWYERS DIVISION COMMISSION ON HOMELESSNESS AND POVERTY SECTION OF STATE AND LOCAL GOVERNMENT LAW	Urges national, state, local, territorial and tribal law and policy-making bodies to adopt the provisions of the Guardianship Bill of Rights, promulgated by the National Guardianship Network in 2022 and protect the right to Due Process in guardianship proceedings.	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
507	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF TAXATION COMMISSION ON HOMELESSNESS & POVERTY SECTION OF STATE AND LOCAL GOVERNMENT LAW STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENSE	Urges federal, state, local, territorial, and tribal governments to amend existing laws and/or enact new laws to provide financial support to tenants of rental housing and urges these governments to provide administrative agencies with adequate financial resources to implement and administer any such provisions.	Adopted
508	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CENTER FOR HUMAN RIGHTS	Urges federal, state, local, and tribal governments to restrict the sale, purchase, transfer, servicing, and use of commercial spyware within the United States.	Withdrawn
509	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE	Supports the principle that judicial review of decisions of the Food and Drug Administration to approve drugs be conducted under a legal standard which takes account of the agency's scientific expertise, its statutory decision-making authority, the procedures established by Congress, and the precedents set by reviewing courts for exercising their decision-making authority.	Adopted
510	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE	Urges Congress to repeal the Comstock Act of 1873.	Withdrawn
511	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE	Urges Congress to enact the Women's Health Protection Act of 2023 (H.R. 12/S. 701, 118 th Congress) or similar legislation to protect patients' access to abortion care without medically unnecessary restrictions and to protect health care professionals' ability to provide such care.	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
512	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE DEATH PENALTY DUE PROCESS REVIEW PROJECT CRIMINAL JUSTICE SECTION COALITION ON RACIAL AND ETHNIC JUSTICE STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENSE COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES	Urges the federal, state, and territorial governments in which capital punishment is a possible penalty to take steps to prevent discrimination in capital sentencing based on the race, ethnicity, gender or gender identity of the victim, the defendant, or a combination thereof.	Adopted
513	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION SECTION OF STATE AND LOCAL GOVERNMENT LAW SENIOR LAWYERS DIVISION LAW STUDENT DIVISION	Urges Congress and state, local, territorial and tribal legislatures to adopt or amend laws, regulations, and policies to prohibit discrimination on the basis of caste to protect Dalits and other caste-oppressed communities from discrimination based on caste.	Adopted
514	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON DISABILITY RIGHTS STANDING COMMITTEE ON PUBLIC EDUCATION COALITION ON RACIAL AND ETHNIC JUSTICE COUNCIL FOR DIVERSITY IN THE EDUCATIONAL PIPELINE COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY COMMISSION ON YOUTH AT RISK	Urges Congress to fund fully the Individuals with Disabilities Education Act (IDEA) at the maximum level that Congress originally authorized, which is 40 percent of a state's excess costs for educating students with disabilities under the Act.	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
515	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE STANDING COMMITTEE ON PUBLIC EDUCATION COALITION ON RACIAL AND ETHNIC JUSTICE COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY COUNCIL FOR DIVERSITY IN THE EDUCATIONAL PIPELINE	Urges all state, local, territorial, and tribal governing bodies, education officials, school boards, school districts, and public libraries to advocate for and protect the First Amendment rights of students to access information and ideas in school by eliminating the ban of books in public education and libraries.	Adopted
516	JUDICIAL DIVISION SECTION OF DISPUTE RESOLUTION	Amends the <i>ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation</i> (“Guidelines”), adopted January 2019 (Resolution 100, 19M100), by retitling the Guidelines, “ <i>ABA Guidelines for the Appointment and Use of Court-Appointed Neutrals in Federal and State Civil Litigation</i> ” and replacing the terms “Special Master” and “Master” with “Court-Appointed Neutral.”	Adopted as Revised*

* See attached.

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
517	JUDICIAL DIVISION SECTION OF DISPUTE RESOLUTION	Adopts the Model Rule on Court-Appointed Neutrals dated August 2023, and urges jurisdictions to adopt the Model Rule on Court-Appointed Neutrals dated August 2023.	Adopted as Revised*
518	SECTION OF ENVIRONMENT, ENERGY, AND RESOURCES LAW STUDENT DIVISION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF STATE AND LOCAL GOVERNMENT LAW	Endorses the use of negotiation and settlement processes to resolve tribal reserved water right claims, provided the concerned tribes elect to pursue such processes, as well as the availability of adequate financial and technical resources as an important precondition for achieving successful settlements, and specifically urges Congress and the Administration to support these settlement processes.	Adopted
519	YOUNG LAWYERS DIVISION	Supports efforts by state, local, and territorial legislative bodies, judiciaries, bar associations, and other relevant entities to ensure that bar admission is not denied based solely on immigration status, cognizant of and in compliance with other federal laws regarding the employment of undocumented immigrants.	Adopted
520	YOUNG LAWYERS DIVISION	Urges Congress to enact legislation permitting and encouraging both federal and private student loan lenders to create more favorable terms for borrowers and urges Congress to incentivize private student loan lenders to create more favorable terms and protections for borrowers, like those available to federal student loan borrowers.	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
521	LITIGATION SECTION TORT, TRIAL AND INSURANCE PRACTICE SECTION CIVIL RIGHTS AND SOCIAL JUSTICE SECTION	Urges federal courts to eliminate case assignment mechanisms that predictably assign cases to a single United States District Judge without random assignment when such cases seek to enjoin or mandate the enforcement of a state or federal law or regulation and where any party, including intervenor(s), in such a case objects to the initial, non-random assignment within a reasonable time; and urges that, in such situations, case assignments are made randomly and on a district-wide rather than division-wide basis.	Adopted
522	LAW STUDENT DIVISION	Urges law schools to replace Columbus Day with Indigenous People's Day as a recognized holiday and to adopt Indigenous People's Day as a recognized holiday.	Adopted as Revised*
523	LAW STUDENT DIVISION	Urges legal employers to evaluate law students holistically during the On-Campus Interview process by considering more than a student's grade point average and class rank.	Adopted

* See attached

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
524	LAW STUDENT DIVISION	Urges federal, state, local, territorial, and tribal governments in the United States to condemn Islamophobia; urges Congress to enact legislation that combats and eliminates Islamophobia, such as H.R. 5665 117 th Congress (2021-2022) and S. 3384 117 th Congress (2021-2022); and urges the United States and all other United Nations Member States to adopt legislation and pursue policies and measures that combat and eliminate Islamophobia.	Adopted as Revised*
11-1	CONSTITUTIONAL AMENDMENT	Amends §§2.2(f), 6.4(e), 7.2 , 7.3 9.2(a), and 9.2(b), of the Association’s Constitution to: 1) replace the term “minority” throughout with “racially or ethnically diverse”; 2) replace “LGBT” with “LGBTQ+” throughout; and 3) update references to sexual orientation and gender identity by adding “gender identity” where “sexual orientation” alone is referenced and amends §26.1(d) of the Association’s Bylaws to: 1) replace the term “minority” throughout with “racially or ethnically diverse”; 2) replace “LGBT” with “LGBTQ+”.	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
11-2	CONSTITUTIONAL AMENDMENT	Amends §§2.2(f), 6.4(e), 7.2 , 7.3 9.2(a), and 9.2(b), of the Association’s Constitution to: 1) replace the term “minority” throughout with “racially or ethnically diverse”; 2) replace “LGBT” with “LGBTQ+” throughout; and 3) update references to sexual orientation and gender identity by adding “gender identity” where “sexual orientation” alone is referenced and amends §26.1(d) of the Association’s Bylaws to: 1) replace the term “minority” throughout with “racially or ethnically diverse”; 2) replace “LGBT” with “LGBTQ+”.	Adopted
11-3	CONSTITUTIONAL AMENDMENT	Amends §31.7 of the Association’s Bylaws to update the jurisdiction of the Standing Committee on the Delivery of Legal Services to incorporate the responsibilities of the Standing Committee on Group and Prepaid Legal Services.	Adopted
11-4	CONSTITUTIONAL AMENDMENT	Amends §31.7 of the Association’s Bylaws to dissolve the Standing Committee on Group and Prepaid Legal Services.	Adopted
11-5	CONSTITUTIONAL AMENDMENT	Amends §31.7 of the Association’s Bylaws to update the jurisdiction of the Standing Committee on Technology and Information Services to modernize and adapt to the changes in priorities of the ABA.	Withdrawn

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
400	CALIFORNIA LAWYERS ASSOCIATION STATE BAR OF SOUTH DAKOTA	Encourages federal, state, local, territorial and tribal governments, and law schools to create and fund fully a rural practice loan forgiveness program.	Adopted as Revised ¹
600	Standing Committee on Paralegals	Grants approval to three paralegal education programs, reapproval to 14 programs, withdraws the approval of two programs at the requests of the institutions, and extends the term of approval to 51 programs.	Adopted
601	Standing Committee on Specialization	Grants reaccreditation to the Truck Accident Law program of the National Board of Trial Advocacy and extends the term of accreditation of the Legal Professional Liability Law program of the American Board of Professional Liability Attorneys until the adjournment of the next House of Delegates meeting in February 2024.	Adopted

¹ See attached

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
602	STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL INTERNATIONAL LAW SECTION STANDING COMMITTEE ON LAW AND NATIONAL SECURITY SOLO, SMALL FIRM AND GENERAL PRACTICE DIVISION	Urges the United States Departments of State and Defense to provide written guidelines—which are clear restatements of the current rules under applicable Status of Forces Agreements (SOFAs) and other host country laws—for military spouses and family members who wish to obtain or maintain employment (including telework and virtual employment) while accompanying service members on overseas assignments and for United States-based employers wishing to employ them.	Adopted
603	STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENSE SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE	Adopts the revised Ten Principles of a Public Defense Delivery System (“Principles”), dated August 2023, including black letter and commentary, and recommends that each jurisdiction swiftly assess its compliance with the Principles and implement any necessary legal and policy changes where deficiencies may exist.	Adopted
604	COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY YOUNG LAWYERS DIVISION	Encourages respectful use of language (including pronouns, honorifics, salutations, and titles) consistent with a person’s gender identity within law schools, the bar admissions process, the legal profession, and the justice system generally; and urges all law schools and bar admissions entities to include self-reporting options for gender-inclusive pronouns, honorifics, salutations, and titles in admissions applications, registration portals, and other submission forms.	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
605	COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE	Supports enactment of the Stop Institutional Child Abuse Act (<i>H.R. 2955 and S. 1351, 118th Congress</i>) or similar legislation that aims to study and prevent child abuse in youth residential programs, and supports the adoption of state, local, territorial and tribal legislation that facilitate uniform standards for preventing child abuse in residential facilities.	Adopted
606	COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY	Encourages state, local, territorial, and tribal governments to reject proposed or repeal existing laws and policies that target and harmfully discriminate against transgender people, especially youth.	Adopted
607	STANDING COMMITTEE ON ELECTION LAW COMMISSION ON DISABILITY RIGHTS SECTION OF STATE AND LOCAL GOVERNMENT LAW SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE	Adopts the revised American Bar Association Election Administration Guidelines and Commentary (“Guidelines and Commentary”), dated August 2023; urges all election officials to ensure the integrity of the election process through the adoption, use, and enforcement of the Guidelines and Commentary; and urges that federal, state, local, territorial and tribal governments provide election authorities with adequate funding to implement the Guidelines and Commentary.	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
608	CYBERSECURITY LEGAL TASK FORCE STANDING COMMITTEE ON LAW AND NATIONAL SECURITY CENTER FOR HUMAN RIGHTS SECTION ON ENVIRONMENT, ENERGY, AND RESOURCES SECTION OF ANTITRUST LAW SECTION OF SCIENCE AND TECHNOLOGY LAW	Urges Congress to enact legislation establishing a duty to implement reasonable security for organization data, products, and systems; and urges Congress and federal departments and agencies to: seek harmonization and consistency with existing laws, regulations, and cybersecurity frameworks, provide incentives to developers of existing and emerging digital technologies and to all entities to monitor and enhance their cybersecurity protections and increase their resilience against cybersecurity threats, and to provide resources to enable users of digital technologies, products, services, and capabilities to take steps to enhance their cybersecurity protections and increase their resilience against cybersecurity threats.	Adopted
609	CYBERSECURITY LEGAL TASK FORCE STANDING COMMITTEE ON LAW AND NATIONAL SECURITY CENTER FOR HUMAN RIGHTS SECTION OF ANTITRUST LAW SECTION OF SCIENCE AND TECHNOLOGY LAW	Urges lawyers to keep informed about new and emerging technologies and protect digital products, systems, and data from unauthorized access, use, and modification.	Adopted
610	CYBERSECURITY LEGAL TASK FORCE STANDING COMMITTEE ON LAW AND NATIONAL SECURITY CENTER FOR HUMAN RIGHTS SECTION OF SCIENCE AND TECHNOLOGY LAW	Urges law schools to incorporate cybersecurity and emerging technologies into their curricula.	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
300	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2023 to Standards 307 (Studies, Activities, and Field Placements Outside the United States), 313 (Degree Programs in Addition to J.D.), and 509 (Required Disclosures) and Rules 13 (Actions on Determinations of Noncompliance with a Standard) and 32(Membership of Appeals Panel and Proceeding Panel)of the <i>ABA Standards and Rules of Procedure for Approval of Law Schools</i> .	Adopted
301	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2023 to Definitions 7 (Distance Education Course) and 8 (Distance Education J.D. Program); Standards 105 (Acquiescence for Substantive Change in Program or Structure), 306(Distance Education), 311(Academic Program and Academic Calendar), and 511(Verification of Student Identity); and Rule 24(Application for Acquiescence in Substantive Change) of the <i>ABA Standards and Rules of Procedure for Approval of Law Schools</i> .	Adopted

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
10A	RESOLUTION WITH REPORT ON ARCHIVING	Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.	Adopted ⁺
10B	RESOLUTION WITH REPORT ON ARCHIVING	Recommends that certain Association policies that pertain to public issues that were adopted in 2003 which were previously considered for archiving but retained be archived.	Adopted
100	STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY STANDING COMMITTEE ON PROFESSIONAL REGULATION	Amends the Black Letter and Comments to Model Rule of Professional Conduct 1.16 (Declining or Terminating Representation).	Adopted as revised* by vote of 216;102
200	NATIONAL CONFERENCE OF STATE TRIAL JUDGES JUDICIAL DIVISION	Urges leaders in the judicial branch to study the impact violent or traumatic incidents have on the mental or emotional health and wellness of judges, their staff, and their families and recommend steps to improve their safety and security and ensure their mental wellness.	Adopted
201	RULE OF LAW INITIATIVE	Endorses the Hague Declaration on Equal Access to Justice for All by 2030.	Adopted

⁺Item No. 28 has been removed from the archival list and will remain policy of the Association.

^{*}See attachment

REPORT NO.	SUBMITTED BY	SHORT TITLE	ACTION
401	Virgin Islands Bar Association	Urges all state and territorial continuing legal education accrediting agencies to avoid denying the accreditation or approval of continuing legal education programs, courses, or other activities based on the viewpoints or positions taken by the presenters or the sponsoring organization, or the method the sponsoring organization employs to select presenters, provided that the program, course, or activity otherwise meets the minimum standards for accreditation or approval.	Adopted
402	Virgin Islands Bar Association	Urges all state and territorial continuing legal education accrediting agencies to avoid denying the accreditation or approval of continuing legal education programs, courses, or other activities based on the viewpoints or positions taken by the presenters or the sponsoring organization, or the method the sponsoring organization employs to select presenters, provided that the program, course, or activity otherwise meets the minimum standards for accreditation or approval.	Withdrawn
403	Virgin Islands Bar Association	Urges all law schools to adopt policies, consistent with the ABA Standards and Rules of Procedure for Approval of Law Schools, to permit students to obtain academic credit or monetary compensation for their participation as editors of law reviews and other academic law journals.	Adopted

RESOLUTION

- 1 RESOLVED, That the American Bar Association amends the *ABA Guidelines for the*
2 *Appointment and Use of Special Masters in Federal and State Civil Litigation*
3 (*"Guidelines"*), adopted January 2019 (Resolution 100, 19M100), by retitling the
4 Guidelines, "*ABA Guidelines for the Appointment and Use of Court-Appointed Neutrals*
5 *in Federal and State Civil Litigation*" and replacing the terms "Special Master" and
6 "Master" with "Court-Appointed Neutral;"
7
- 8 FURTHER RESOLVED, That the American Bar Association further amends ABA
9 Resolution 100, 19M100, to urge that Bankruptcy Rule 9031 and other provisions of
10 rules or law related to Bankruptcy be amended to permit courts responsible for cases
11 under the Bankruptcy Code to use court-appointed neutrals (whether identified as
12 "masters" or otherwise) in the same way as they are used in other federal cases; and
13
- 14 FURTHER RESOLVED, That the American Bar Association supports rule and
15 legislative changes designed to replace the term "master" or "special master" with
16 "court-appointed neutral."

1 ABA Guidelines for the Appointment and Use of ~~Special Masters~~ Court-Appointed
2 ~~Neutrals~~ in Federal and State Civil Litigation

3 Consistent with the Federal Rules of Civil Procedure or applicable state court
4 rules:

- 5 (1) It should be an accepted part of judicial administration in complex
6 litigation (and in other cases that create particular needs that a ~~special~~
7 ~~master~~court-appointed neutral might satisfy), for courts and the parties
8 to consider using a ~~special~~mastercourt-appointed neutral and to
9 consider using ~~special~~mastercourt-appointed neutrals not only after
10 particular issues have developed, but at the outset of litigation.
- 11 (2) In considering the possible use of a ~~special~~mastercourt-appointed
12 neutral, courts, counsel and parties should be cognizant of the range of
13 functions that a ~~special~~mastercourt-appointed neutral might be called
14 on to perform and roles that a ~~special~~mastercourt-appointed neutral
15 might serve.
- 16 (3) In determining whether a case merits appointment of a ~~special~~master
17 court-appointed neutral, courts should weigh the expected benefit of
18 using the ~~special~~mastercourt-appointed neutral, including reduction of
19 the litigants' costs, against the anticipated cost of the ~~special~~
20 ~~master~~court-appointed neutral's services, in order to make the ~~special~~
21 ~~master~~court-appointed neutral's work efficient and cost effective.
- 22 (4) Participants in judicial proceedings should be made aware that ~~special~~
23 ~~master~~court-appointed neutrals can perform a broad array of functions
24 that do not usurp judicial functions, but assist them. Among the
25 functions ~~special~~mastercourt-appointed neutrals have performed are:
26 a. discovery oversight and management, and coordination of cases in
27 multiple jurisdictions;
28 b. facilitating resolution of disputes between or among co-parties;
29 c. pretrial case management;
30 d. advice and assistance requiring technical expertise;
31 e. conducting or reviewing auditing or accounting;
32 f. conducting privilege reviews and protecting the court from exposure to
33 privileged material and settlement issues; monitoring; class
34 administration;
35 g. conducting trials or mini-trials upon the consent of the parties;
36 h. settlement administration;
37 i. claims administration; and
38 j. receivership and real property inspection.
- 39 In these capacities ~~special~~mastercourt-appointed neutrals can serve
40 numerous roles, including management, adjudicative, facilitative,
41 advisory, information gathering, or as a liaison.
- 42 (5) Courts should develop local rules and practices for selecting, training,
43 and evaluating ~~special~~mastercourt-appointed neutrals, including rules
44 designed to facilitate the selection of ~~special~~mastercourt-appointed
45 neutrals from a diverse pool of potential candidates.

516 REV

- 46 (6) Courts should choose ~~special-master~~court-appointed neutrals with due
47 regard for the court’s needs and the parties’ preferences and in a
48 manner that promotes confidence in the selection process by helping to
49 ensure that qualified and appropriately skilled and experienced
50 candidates are identified and chosen.
- 51 (7) The referral order appointing the ~~special-master~~court-appointed neutral
52 should describe the scope of the engagement, including, but not limited
53 to, the ~~special-master~~court-appointed neutral’s duties and powers, the
54 roles the court-appointed neutral~~special-master~~ may serve, the rates
55 and manner in which the ~~special-master~~ court-appointed neutral will be
56 compensated, power to conduct hearings or to facilitate settlement,
57 requirements for issuing decisions and reporting to the court, and the
58 extent of permissible ex parte contact with the court and the parties.
59 Any changes to the scope of the referral should be made by a
60 modification to the referral order.
- 61 (8) Courts and the bar should develop educational programs to increase
62 awareness of the role of ~~special-master~~court-appointed neutrals and to
63 promote the acquisition and dissemination of information concerning
64 the effectiveness of ~~special-master~~court-appointed neutrals.
- 65 (9) Courts and, where applicable, legislatures should make whatever
66 modifications to laws, rules, or practices that are necessary to
67 effectuate these ends.

Deletions struck through; Additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association adopts the Model Rule on Court-
2 Appointed Neutrals dated August 2023; and

3
4 FURTHER RESOLVED, That the American Bar Association urges state, local, territorial
5 and tribal courts~~jurisdictions~~ to adopt ~~the~~ Model Rule on Court-Appointed Neutrals
6 dated August 2023.

Deletions struck through; Additions underlined

MODEL RULE ON COURT-APPOINTED NEUTRALS

(a) Definition of Court-Appointed Neutral

A Court-Appointed Neutral is a disinterested professional appointed as an adjunct special officer appointment to assist a court in its case-management, adjudicative or post-resolution responsibilities in accordance with the provisions of this Rule and any standards established by this Court for qualification to hold such an appointment.

(b) Factors to Be Considered in Appointing ~~Use of~~ Court-Appointed Neutrals

- (1) Unless prohibited by law, at the outset or other appropriate times, in ~~of~~ complex litigation and ~~in~~ other cases that create particular needs that a neutral might satisfy, the court and the parties may ~~are encouraged to~~ consider ~~and discuss~~ whether use of a neutral would assist with the disposition of issues in the case. ~~A court may also consider on its own, or upon the motion of one or more of the parties, whether to appoint a neutral later in the litigation.~~
- (2) In determining whether to appoint a neutral and the scope of any ~~the~~ appointment, the court should consider whether the circumstances demonstrate that the likely benefit to the parties of appointing a neutral outweighs the expense, including, without limitation: ~~:~~
- (A) whether the appointment, with its attendant expense, is proportionate to the issues and needs of the case;
- (B) the ability of the parties to pay for the services being provided by the neutral;
- (C) whether the appointment can be made without imposing an unreasonable delay;
- ~~(A)~~ (D) whether a neutral likely could address matters ~~any matter~~ within the scope of the appointment more expeditiously than is practicable without the neutral, considering the court's case load and the issues and needs of the case;
- (E) whether the appointment will be otherwise unfair to any party;
- (F) whether the appointee has the knowledge, skills, ability, and training to perform the needed tasks; and
- ~~(B)~~ (G) whether, notwithstanding the possibility that a court may ultimately need to review privileged or confidential material, ~~whether~~ a neutral's involvement may assist by insulating the court from the need to review claimed ~~allegedly~~ privileged or confidential information that may ~~would~~ ~~otherwise~~ not be necessary for the court's consideration.¹

¹ Appointment of a neutral is not intended to supplant direct judicial performance of judicial functions or to impair the parties' ability to have their cases decided by the assigned judge. It is therefore particularly important that the court obtain the parties' input and seriously consider and weigh these factors. These assessments are intended to ensure the fairness and relative benefits of the appointment, the quality of

- 41 ~~(C) whether the appointment is proportionate to the issues and needs of the~~
 42 ~~case;~~
 43 ~~(D) whether the benefit of appointing a neutral outweighs the expense;~~
 44 ~~(E) whether the appointment can be made without imposing an unreasonable~~
 45 ~~financial burden on any party or unreasonable delay;~~
 46 ~~(F) whether the appointment will be otherwise unfair to any party; and~~
 47 ~~(G) whether the particular appointee has the knowledge, skills, ability, and~~
 48 ~~training to perform the needed tasks.~~

49
 50 (c) Services a Court May Authorize of the Court-Appointed Neutral to Perform

51
 52 Unless law ~~or the court~~ provides otherwise, and subject to any court rules,
 53 procedures (including the provisions of any court-based alternative dispute
 54 resolution program) and principles of ethics applicable to the services being
 55 performed, in appropriate cases a court may authorize a neutral to may, without
 56 the parties' consent, perform the following services:

- 57 (1) conduct pre-trial case management;
 58 (2) coordinate cases in different jurisdictions;
 59 (3) provide advice or information to the court on complex or specialized
 60 subjects;
 61 (4) manage discovery;
 62 (5) conduct ~~privilege~~ reviews of privileged, trade secret, and confidential
 63 materials;
 64 (6) investigate and report on factual matters identified by the court;
 65 (7) perform accountings, and calculate damages, attorneys' fees and costs;
 66 (8) facilitate resolution of disputes between or among otherwise aligned parties
 67 and/or their counsel;
 68 (9) monitor implementation of and compliance with court orders;
 69 (10) conduct and/or oversee claims administration, including the allocation of
 70 funds among claimants;
 71 (11) oversee settlement administration; and,
 72 (12) facilitate the parties' efforts to resolve differences.;

73
 74 Before appointing a neutral to serve in any other role, the Court will provide the
 75 parties specific notice and opportunity to be heard concerning any role proposed
 76 to be performed.

- 77 ~~(13) Authority allocate responsibility for payment of the neutral's compensation;~~
 78 ~~and~~
 79 ~~(14) perform other services ordered by the court.~~

80
 81 (d) ~~Powers~~ of the Court-Appointed Neutral

service and the fit between the neutral and tasks to be performed. The purpose of appointing a neutral is to assist and support the administration of justice and, when relative cost or delay is the rationale for appointment, to reduce the cost and delay associated with litigation. A neutral should be appointed only when the need is clear.

82
83 Subject to the provisions of Rule (h) below, ~~in providing the services in~~
84 ~~accordance with Rule (c) above,~~ a neutral may ~~exercise~~

85
86 (1) With the exception of holding trial proceedings, do the following in order to
87 effectuate the services authorized by the court:

88 ~~(1) (A) conduct hearings; the following powers without the parties' consent:~~

89 ~~(A) compel, take and record evidence; and~~ issue procedural orders;
90 recommend

91 ~~(B) conduct evidentiary proceedings and make~~ findings of fact and
92 conclusions of law relevant to motions or orders ~~that do not involve trial of~~
93 ~~an entire action;~~

94 ~~(C) make evidentiary rulings;~~

95 ~~(D) compel, take and record evidence;~~

96 ~~(E) (B) conduct hearings on specified issues;~~ and

97 ~~(F) (C) sanction parties (other than for contempt); and~~

98 (2) In addition, but ~~the following powers~~ only with the parties' consent and the
99 court's ~~approval,~~ the neutral may:

100 (A) conduct non-jury trial proceedings; ~~trials of entire actions; and~~

101 (B) make findings of fact and conclusions of law for trial proceedings on the
102 merits; ; and

103 (C) mediate the potential settlement of an action in which the neutral

104 previously served or will serve in a quasi-adjudicative capacity; and

105 (D) exercise ~~(C)~~ such other powers to which the parties consent and the court
106 approves.

107
108 (e) Appointment of Neutral

109
110 (1) Selection

111 (A) Before appointing a neutral or amending an appointing order, a court must
112 provide notice to the parties and permit them to identify any objection they
113 may have to the appointment or amendment, to suggest candidates for
114 appointment and to propose any provisions they may wish to have or not to
115 have included in an appointment order. If the court deems appropriate, it
116 may afford the parties an opportunity for oral argument on these issues.

117 (B) The court may consider suggested candidates and other candidates on
118 any rosters or other listings of pre-screened individuals from a diverse pool
119 of potential candidates, but the court is not required to select from among
120 such candidates.

121 (C) The court should select a neutral with due regard for the court's needs, the
122 parties' suggestions ~~preferences,~~ and the needs of the case. The court
123 should make this appointment ~~any requirements relating to a roster~~ in a
124 manner that ensures impartial, qualified and appropriately skilled and
125 experienced candidates are identified and chosen.

126 (2) Qualification Procedure

127 (A) Upon receiving notice of a prospective appointment, and before accepting
 128 the appointment, a prospective appointee shall submit a sworn statement
 129 representing that the prospective appointee's (and, if applicable, the
 130 individual's firm) has conducted a conflicts check and~~file an affidavit~~
 131 disclosing:

132 (A)i) ~~whether the prospective appointee (and, if applicable, the~~
 133 ~~individual's firm) has any information, including but not limited to~~
 134 ~~information regarding any relationship to the parties, their attorneys or~~
 135 ~~the action, any known existing or past financial, business, professional~~
 136 ~~or personal relationships which might reasonably affect impartiality or~~
 137 ~~lack of independence from the perspective of any of the parties,~~
 138 ~~including any matters described in [the jurisdiction's equivalent of 28~~
 139 ~~U.S.C. § 455] governing judicial disqualification; and ~~that is likely to~~~~
 140 ~~give rise to justifiable doubt about the impartial and fair administration~~
 141 ~~of justice.~~

142 ii) The number of times in the past twenty-four (24) months that the
 143 prospective appointee has, as of the date of the affidavit, been
 144 appointed by (x) the judge making the appointment, and (y) any judge
 145 within the court system in which the case is pending, to be a court-
 146 appointed neutral.

147 (B) The affidavit shall also include an oath that if appointed, the neutral will
 148 administer justice without favor to or prejudice against any party and will
 149 faithfully and impartially discharge and perform all duties in accordance
 150 with the law, this rule, and the court's instructions.

151 (C) Within fifteen (15)~~five~~ days, or such other period as the court may order,
 152 any party who objects to the prospective appointment may file an
 153 objection stating the grounds therefor.

154 (D) If no objection is filed on or before the deadline for making one, or if the
 155 parties consent to the appointment notwithstanding the disclosure, the
 156 court may proceed with the appointment.

157 (E) The court should not select a proposed candidate if a party files a timely
 158 objection and the court sustains the objection, or the court decides on its
 159 own that the proposed candidate is not suitable for the particular matter.

160 (F) Upon motion by a party or on the court's own motion, the court in its
 161 discretion may terminate a neutral appointment or limit its scope.

162 (G) A neutral, the parties, and their counsel have a continuing obligation
 163 throughout the course of the appointment to correct errors in and to
 164 supplement information concerning the disclosures described above.
 165 Upon good cause shown, a party may be permitted to submit this
 166 information to the neutral and the court in confidence.

167
 168 (f) Appointing Order

169
 170 (1) The appointing order ~~shall~~should:

171 (A) identify the particular function(s) under Rule (c) that the neutral is
 172 expected to serve and the services the neutral is expected to provide;

- 173 (B) identify the court's reasons for making the appointment including the
 174 court's consideration of the factors described in Rule (b)(2);
- 175 (C) describe in writing and with reasonable specificity the scope of the
 176 neutral's appointment, including, if appropriate, the duration and/or tasks
 177 to be completed;
- 178 (D) state the circumstances, if any, in which the neutral may communicate ex
 179 parte with the court or a party;
- 180 (E) state the circumstances, if any, in which the standards of review will differ
 181 from those set forth in Rule (h)(4);
- 182 (F) state whether the ~~standard of parties have stipulated to waive~~ review has
 183 been altered by approved party stipulation~~the trial court as set forth~~ in
 184 accordance with Rule (h)(4); and
- 185 (G) state whether any or all proceedings before the neutral must be
 186 transcribed or recorded.
- 187 (2) The powers to be exercised by the neutral are those identified in the
 188 appointing order. Unless the appointing order directs otherwise, in exercising
 189 these powers, a neutral may
 190 a. regulate all proceedings;
 191 b. take all appropriate measures to perform the assigned duties fairly and
 192 efficiently; and
 193 c. if conducting an evidentiary hearing, exercise the appointing court's power
 194 to compel, take, and record evidence;
- 195 ~~(G)~~(3) The court shall determine and set forth in the appointing order the basis
 196 and terms of the neutral's compensation, as follows~~with the court~~:
- 197 (A) at the outset of the appointment, the court shall set~~setting~~ the rate of
 198 compensation and address,~~addressing~~ reimbursement for expenses. The
 199 court shall identify,~~identifying~~ the source of funds, stating whether and
 200 how the parties will share responsibility for the neutral's compensation;
 201 shall state whether the neutral may recommend, subject to review under
 202 Rule (h)(4)(B), that expenses be reallocated based on the parties'
 203 respective responsibilities in connection with particular disputes; and shall
 204 direct,~~and directing~~ how and to whom invoices are to be submitted for
 205 payment.
- 206 (B) ii)-The court may modify the neutral's compensation ~~may be modified~~
 207 through an amendment of the appointing order at any time subsequent to
 208 the appointment, by ~~the court's~~ adjusting the rate of compensation and the
 209 source of funds,~~and by the court-appointed neutral or the court revising~~
 210 ~~the allocation of responsibility for payment~~, as the circumstances warrant,
 211 including altering responsibility for costs incurred because party has
 212 engaged in unreasonable conduct necessitating the expense.
- 213 ~~(2)~~(4) The appointing order may also state any of the following:
- 214 (A) whether or the extent to which the neutral is prohibited from providing any
 215 of the services described in Rule (c);
- 216 (B) whether or the extent to which the neutral is prohibited from exercising
 217 any of the ~~authority~~powers described in Rule (d)(1);

- 218 (C) whether or the extent to which the court will permit the neutral, subject to
 219 the parties' consent, ~~the neutral is permitted~~ to exercise any of the
 220 authority ~~powers~~ described in Rule (d)(2);
- 221 (D) whether and the extent to which the neutral is required to inform the court
 222 as to the status of the matters within the scope of the appointment;
- 223 (E) whether and how ~~the nature of the~~ materials and exhibits should ~~to~~ be
 224 preserved and filed as the record of the neutral's activities; provided,
 225 however, that unless otherwise stipulated, where a neutral is appointed to
 226 conduct evidentiary or a non-jury trial proceedings ~~of an entire matter~~ or to
 227 make findings of fact or conclusions of law, a transcript of any testimony
 228 taken and copies of any exhibits shall accompany the neutral's report;
- 229 (F) procedures that will take effect if the neutral is unable to fulfill the duties
 230 specified in the appointing order.
- 231 ~~(3)~~ (5) The appointing order may be amended by the court on its own or upon
 232 motion of a party.

233
 234 (g) Neutral's Responsibilities

- 235
 236 (1) After appointment, the neutral should proceed with diligence to ensure the
 237 just, speedy, and inexpensive performance of the neutral's responsibilities.
- 238 (2) Neutral's Orders, Reports and Recommendations
- 239 (A) A neutral who issues a written order shall file it with the court and ensure
 240 prompt service of a copy on each party.
- 241 (B) A neutral who prepares a written report or recommendation shall file it,
 242 along with any testimony or exhibits required pursuant to Rule (f)(2)(E),
 243 with the court and ensure prompt service of a copy on each party.
- 244 (C) A neutral appointed to conduct a non-jury trial proceeding ~~of an entire~~
 245 ~~matter~~ or to make recommendations on findings of fact or conclusions of
 246 law shall comply with the requirements applicable to a trial court rendering
 247 an appealable decision.
- 248 (D) A neutral may share drafts (, -designated as such), of, and request
 249 comments on, a draft ~~an~~ order, report or recommendation with all parties
 250 before filing the neutral's final version.
- 251 (E) A neutral shall provide any additional reports to the court as the appointing
 252 order may require.

253
 254 (h) Action on Neutral's Order, Report or Recommendations

- 255 (1) Unless an order, report or recommendation is marked as a draft, the time for
 256 the parties to respond or file objections shall run from the later of the filing or
 257 service of the order, report or recommendation.
- 258 (2) Action by the Parties
- 259 (A) A party may file with the court and simultaneously must serve, on all
 260 other parties, written objections to – or a motion to adopt or modify – the
 261 neutral's order, report or recommendations in no later than 14 calendar
 262 days, unless the court sets a different time. Any objection to or motion
 263 must show that the argument being asserted was presented to the

neutral for consideration. ~~If, and, if~~ seeking to challenge a proposed finding of fact, the objection must specifically identify the finding to which the party objects and identify the evidence of record that creates a dispute as to the~~contradicts that~~ finding, or the reasons why evidence supporting the finding should have been excluded ~~or evidence contradicting the finding should have been admitted.~~

(B) The court's rules governing motion practice apply to responses and replies, unless the court orders otherwise.

(3) Action by the Court

(A) In reviewing a neutral's order, report or recommendations, the court may adopt or affirm, modify, wholly or partly, reject or reverse, or resubmit to the neutral with instructions.

(B) The court, on its own or by motion of a party, may conduct a hearing on any order, report or recommendations by the neutral~~(i) if a party has filed an objection or a motion to modify the neutral's order, report or recommendations; (ii) if the court intends to receive evidence before acting upon the neutral's order, report or recommendations; or (iii) if the court intends to modify, wholly or partly, reject or reverse the neutral's order, report or recommendations.~~

(4) Standards for Review by the Court ~~in the Absence of a Stipulation to Waive Review~~

In the absence of a stipulation by the parties to waive review entirely under (h)(5) below~~Rule (f)(1)(F) above~~ and subject to applicable law:

~~(A) The court may vary the standards of review in the appointing order of any objections to, or issues raised by a motion to amend or modify, an order, report or recommendations of a neutral, as permitted by Rule (f)(1)(E) above.~~

~~(B) Subject to the court's approval, the parties may stipulate to applicable standards of review of any objections to, or issues raised by motion to amend or modify, an order, report or recommendations of a neutral;~~

~~(C) Absent order of the court, or stipulation by the parties, the following standards of review shall apply to an order, report or recommendation by a neutral if a party objects or files a motion to amend or modify such order, report or recommendation in accordance with Rule (h)(2)(A): (i) the court shall review conclusions of law de novo;~~

(A) the court shall review conclusions of law de novo;

(B) with regard to findings of fact the court shall decide de novo all

objections to findings of fact made or recommended by a neutral, unless the parties, with the court's approval, stipulate that:

(i) the findings will be reviewed for clear error; or

(ii) the findings of a neutral will be final; and

~~(C)(ii) with regard to findings of fact, the court shall review the objection or motion first to determine whether the objecting or moving party has raised sufficient contradicting evidence under Rule (h)(2)(A) or grounds for evidentiary objection to warrant review and review only those findings to which this evidence has been adduced or to which the grounds apply.~~

~~When reviewing findings of fact, the court does not owe deference to the neutral's findings. Absent order of the court based upon a showing of good cause, however, the court will conduct its review based on the record adduced before the neutral; and~~

~~(iii)~~ procedural rulings shall be reviewed for abuse of discretion.

(5) Stipulations ~~That~~ Waive Review by the Court

Subject to the Court's approval, applicable law and Rule (g)(2)(C), above

(A) If the parties stipulate that the neutral may conduct trial

proceedings~~trials of entire non-jury actions~~; or

(B) if the parties stipulate that the neutral may make other final findings of fact and conclusions of law; then

~~(C)~~ the parties waive review by the trial court and an appeal from the neutral's determination may be taken to a higher court as would any other appeal from a trial court's determination.

RESOLUTION

1 RESOLVED, That the American Bar Association urges law schools to replace
2 Columbus Day~~include~~
3 with Indigenous People's' Day as a recognized holiday ~~in place of Columbus Day~~; and
4 FURTHER RESOLVED, That the American Bar Association urges all law schools to
5 adopt ~~calendars that reflect~~ Indigenous People's' Day as a recognized holiday.

Deletions struck through; Additions underlined

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges federal, state, local, territorial,
2 and tribal governments in the United States to condemn Islamophobia and to
3 develop and implement comprehensive strategies to combat
4 Islamophobia, including:
5
6 (a) reviewing and updating laws and regulations to ensure that they adequately
7 address hate crimes, discrimination, and other manifestations of
8 Islamophobia;
9 (b) enhancing law enforcement training to recognize and respond to hate crimes
10 and discrimination based on religion, with a specific focus on Islamophobia;
11 (c) implementing public awareness campaigns and educational initiatives to
12 promote understanding of Islam and Muslims, dispel stereotypes and
13 misconceptions, and foster a culture of respect for religious diversity;
14 (d) supporting community-based initiatives that foster dialogue, understanding,
15 and cooperation between different religious and cultural communities; and
16 (e) establishing mechanisms for monitoring and reporting incidents of
17 Islamophobia, hate crimes, and discrimination.
18

19 FURTHER RESOLVED, That the American Bar Association urges Congress to enact
20 legislation that combats and eliminates Islamophobia, such as H.R. 5665 (117th
21 Congress) and S. 3384 (117th Congress); and
22

23 FURTHER RESOLVED, That the American Bar Association urges all other United
24 Nations Member States to adopt legislation and pursue policies and measures that
25 combat and eliminate Islamophobia.
26

27 FURTHER RESOLVED, That nothing in this resolution is intended to diminish or
28 infringe upon any right protected by the First Amendment to the United States
29 Constitution; and
30

31 FURTHER RESOLVED, That nothing in this resolution is intended to diminish or
32 infringe upon any right detailed in Article 19 and Article 20 of the Universal
33 Declaration of Human Rights.

Deletions struck through; Additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association encourages federal, state, local,
2 territorial, and tribal governments, as well as law schools to establish and fund fully a
3 Rural Practice Loan Forgiveness/Cancellation (“RPLF”) program with these
4 recommended guidelines:
5

6 (A) “Rural Area” should be defined according to the needs of the relevant
7 jurisdiction in order to adequately address existing barriers blocking access to justice,
8 taking into account factors such as the distribution of the population within the
9 jurisdiction and the location and concentration of legal services within the jurisdiction.
10

11 (B) The required service period for loan forgiveness/cancellation should be
12 seven (7) years. Jurisdictions may recognize supervised services provided by law
13 students while enrolled in an ABA-Accredited school to count towards the seven-year
14 service requirement.
15

16 (C) Any graduate of an ABA-Accredited law school with public student loans may
17 enter into a loan forgiveness program within seven (7) years of graduating from law
18 school.
19

20 (D) Individuals participating in this program must solely represent members of
21 their local rural area and not work in a rural office of a corporate entity or a law firm with
22 more than thirty (30) attorneys across all locations. The thirty (30) attorney firm/entity
23 maximum size does not apply to rural offices of public sector or not-for-profit
24 entities.

Deletions struck through; Additions underlined

RESOLUTION

Deletions struck through red; Additions underlined blue
1 RESOLVED, That the American Bar Association amends ABA Model Rule of
2 Professional Conduct 1.16 and its Comments [1], [2], and [7] as follows
3 (insertions underlined, deletions struck through):
4

5 **Rule 1.16: Declining or Terminating Representation**

6
7 ...

8
9 (1) withdrawal can be accomplished without material adverse effect
10 on the interests of the client;

11
12 ~~(2) the client persists in a course of action involving the lawyer's~~
13 ~~services that the lawyer reasonably believes is criminal or fraudulent;~~

14
15 (2) the client persists in a course of action involving the lawyer's
16 services that the lawyer reasonably believes is criminal or fraudulent;

17
18 (3) the client has used the lawyer's services to perpetrate a crime or
19 fraud;

20
21 (4) the client insists upon taking action that the lawyer considers
22 repugnant or with which the lawyer has a fundamental disagreement;

23
24 (5) the client fails substantially to fulfill an obligation to the lawyer
25 regarding the lawyer's services and has been given reasonable warning
26 that the lawyer will withdraw unless the obligation is fulfilled;

27
28 (6) the representation will result in an unreasonable financial
29 burden on the lawyer or has been rendered unreasonably difficult by the
30 client; or

31
32 (7) other good cause for withdrawal exists.

33
34 ...

35
36 **Comment**

37
38 [1] Paragraph (a) imposes an obligation on a lawyer to inquire into and assess the
39 facts and circumstances of the representation before accepting it. The obligation
40 imposed by Paragraph (a) continues throughout the representation. A change in
41 the facts and circumstances relating to the representation may trigger a lawyer's
42 need to make further inquiry and assessment. For example, a client traditionally
43 uses a lawyer to acquire local real estate through the use of domestic limited

44 liability companies, with financing from a local bank. The same client then asks
45 the lawyer to create a multi-tier corporate structure, formed in another state to
46 acquire property in a third jurisdiction, and requests to route the transaction's
47 funding through the lawyer's trust account. Another example is when, during the
48 course of a representation, a new party is named or a new entity becomes
49 involved. A lawyer should not accept representation in a matter unless it can be
50 performed competently, promptly, without improper conflict of interest and to
51 completion. Ordinarily, a representation in a matter is completed when the
52 agreed-upon assistance has been concluded. See Rules 1.1, 1.2(c) and 6.5. See
53 also Rule 1.3, Comment [4].

54

55 **Mandatory Withdrawal**

56

57 ...

58

59 **Discharge**

60

61 ...

62

63 **Optional Withdrawal**

64

65 [7] A lawyer may withdraw from representation in some circumstances. The
66 lawyer has the option to withdraw if it can be accomplished without material
67 adverse effect on the client's interests. ~~Withdrawal is also justified if the client~~
68 ~~persists in a course of action that the lawyer reasonably believes is criminal or~~
69 ~~fraudulent, for a lawyer is not required to be associated with such conduct even if~~
70 ~~the lawyer does not further it.~~ Withdrawal is also justified if the client persists in a
71 course of action that the lawyer reasonably believes is criminal or fraudulent, for
72 a lawyer is not required to be associated with such conduct even if the lawyer
73 does not further it. Withdrawal is also permitted if the lawyer's services were
74 misused in the past even if that would materially prejudice the client. The lawyer
75 may also withdraw where the client insists on taking action that the lawyer
76 considers repugnant or with which the lawyer has a fundamental disagreement.

77

78 [8] A lawyer may withdraw if the client refuses to abide by the terms of an
79 agreement relating to the representation, such as an agreement concerning fees
80 or court costs or an agreement limiting the objectives of the representation.

81

82

83

84

85 **Assisting the Client upon Withdrawal**

86

87 ...

WASHINGTON STATE
BAR ASSOCIATION

Financial Reports

(Unaudited)

Year to Date July 31, 2023

Prepared by
Maggie Yu, Controller

Submitted by
Tiffany Lynch, Director of Finance
August 16, 2023

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Terra Nevitt, Executive Director; Tiffany Lynch, Director of Finance; Maggie Yu, Controller

Re: Key Financial Benchmarks for the Preliminary Fiscal Year to Date (YTD) through July 31, 2023
As % of Completion to Annual Budget

	% of Year	Current Year % YTD	Current Year \$ Difference Favorable/(Unfavorable)	Prior Year YTD	Comments
Total Salaries & Benefits	83%	82%	\$184,407	83%	Favorable to budget due to vacant positions.
Other Indirect Expenses*	83%	74%	\$413,649	79%	Favorable to budget due to timing of payments and lower than expected expenses .
Total Indirect Expenses	83%	81%	\$598,056	82%	Favorable to budget resulting from a combination of reasons described above. Expected to be favorable to budget for year.

General Fund Revenues	83%	88%	\$1,026,661	87%	Favorable to budget mainly due to high interest income and MCLE fees net of lower than budgeted license fees. Expected to be favorable to budget.
General Fund Indirect Expenses	83%	81%	\$549,528	82%	Favorable to budget as described under indirect expenses above. Expected to be favorable to budget.
General Fund Direct Expenses	83%	56%	\$715,146	55%	Favorable to budget due to timing of program activities and meetings/events. Expected to be favorable to budget.
General Fund Net	83%	325%	\$2,291,334	870%	Favorable to budget for the reasons described above. Expected to be favorable to budget.

CLE Revenue	83%	82%	(\$18,469)	79%	Unfavorable to budget due to less attendees to live seminars and lower sale of deskbook sales. Expected to remain unfavorable to budget.
CLE Direct Expenses	83%	43%	\$150,800	33%	Favorable to budget due to timing of scheduled seminar expense payments and deskbook of cost of good sold. Expected to be remain favorable through year-end.
CLE Indirect Expenses	83%	80%	\$42,091	84%	Favorable to budget as described under indirect expenses above and expected to remain favorable through year-end.
CLE Net	83%	164%	\$174,424	97%	Favorable to budget for the reasons described above. Expected to slightly unfavorable to budget.

*Workplace benefits, Human Resources, meeting support, rent, taxes, furniture & maintenance, office supplies, depreciation, insurance, equipment, professional fees (legal & audit), internet & telephone, postage, storage, bank fees, Technology

Washington State Bar Association Financial Summary
 Compared to Fiscal Year 2023 Budget
 For the Period from July 1, 2023 to July 31, 2023

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	-	192,992.18	237,082	74,972	121,820	267,964	358,902	(267,964)	(358,902)
Admissions/Bar Exam	1,159,044	1,362,940	727,138.79	892,773	209,972	414,079	937,111	1,306,852	221,933	56,088
Advancement FTE	-	-	289,486.24	354,465	3,004	8,100	292,490	362,565	(292,490)	(362,565)
Bar News	481,861	602,700	270,257.48	332,507	297,367	363,460	567,624	695,967	(85,763)	(93,267)
Board of Governors	-	-	161,854.57	191,700	259,996	371,900	421,851	563,600	(421,851)	(563,600)
Character & Fitness Board	-	-	113,138.49	139,623	1,982	27,000	115,120	166,623	(115,120)	(166,623)
Communications Strategies	4,148	3,500	546,180.42	674,814	45,840	116,015	592,020	790,829	(587,873)	(787,329)
Communications Strategies FTE	-	-	199,579.53	243,400	-	-	199,580	243,400	(199,580)	(243,400)
Discipline	58,278	119,000	4,645,009.73	6,007,729	99,234	206,999	4,744,244	6,214,728	(4,685,966)	(6,095,728)
Diversity	135,000	135,000	163,370.35	240,734	39,311	130,035	202,681	370,769	(67,681)	(235,769)
Finance	727,088	26,000	881,275.67	1,080,720	3,790	6,500	885,066	1,087,220	(157,977)	(1,061,220)
Foundation	-	-	118,326.45	147,147	3,352	5,650	121,678	152,797	(121,678)	(152,797)
Human Resources	-	-	503,303.16	424,625	-	-	503,303	424,625	(503,303)	(424,625)
Law Clerk Program	196,633	188,200	110,375.54	138,099	5,680	8,900	116,055	146,999	80,577	41,201
Legislative	-	-	193,244.30	242,681	16,927	26,783	210,172	269,464	(210,172)	(269,464)
Legal Lunchbox	31,393	23,000	40,036.77	51,117	3,859	1,500	43,896	52,617	(12,503)	(29,617)
Licensing and Membership Records	358,655	452,200	517,326.31	622,311	26,212	23,651	543,538	645,962	(184,883)	(173,762)
Licensing Fees	14,089,678	17,053,467	-	-	-	-	0	-	14,089,678	17,053,467
Limited License Legal Technician	11,782	29,722	67,810.00	85,248	3,909	15,500	71,719	100,748	(59,937)	(71,026)
Limited Practice Officers	170,031	195,088	80,302.34	99,305	13,390	21,042	93,693	120,347	76,339	74,741
Mandatory CLE	1,189,525	1,125,250	616,259.17	714,329	7,193	67,015	623,452	781,344	566,072	343,906
Member Wellness Program	6,000	7,500	175,295.52	234,719	1,699	2,550	176,995	237,269	(170,995)	(229,769)
Member Services & Engagement	12,000	11,800	243,054.84	302,978	8,662	39,500	251,717	342,478	(239,717)	(330,678)
Mini CLE	-	-	91,723.07	114,412	-	-	91,723	114,412	(91,723)	(114,412)
New Member Education	101,398	85,000	76,016.21	95,269	-	1,600	76,016	96,869	25,382	(11,869)
Office of General Counsel	-	963	767,029.39	1,038,134	3,874	19,400	770,904	1,057,534	(770,904)	(1,056,571)
Office of the Executive Director	-	-	460,303.50	568,259	28,113	128,775	488,416	697,034	(488,416)	(697,034)
OGC-Disciplinary Board	-	-	177,087.85	217,139	65,991	103,500	243,079	320,639	(243,079)	(320,639)
Practice of Law Board	-	-	50,815.61	63,355	2,220	12,000	53,036	75,355	(53,036)	(75,355)
Practice Management Assistance	51,336	50,000	106,717.99	133,033	73,616	73,650	180,334	206,683	(128,998)	(156,683)
Professional Responsibility Program	-	-	186,013.14	151,321	2,465	2,250	188,478	153,571	(188,478)	(153,571)
Public Service Programs	130,000	130,000	158,841.96	219,329	166,188	266,928	325,030	486,257	(195,030)	(356,257)
Publication and Design Services	-	-	96,127.44	119,175	4,200	4,612	100,327	123,787	(100,327)	(123,787)
Regulatory Services FTE	-	-	439,144.15	536,908	6,408	23,550	445,552	560,458	(445,552)	(560,458)
Sections Administration	356,037	290,543	234,339.30	290,746	911	7,850	235,250	298,596	120,787	(8,053)
Service Center	-	-	572,208.44	703,381	5,800	10,300	578,008	713,681	(578,008)	(713,681)
Volunteer Engagement	-	-	81,167.45	97,639	7,272	17,850	88,440	115,489.27	(88,440)	(115,489)
Technology	-	-	1,599,659.34	1,996,602	-	-	1,599,659	1,996,602	(1,599,659)	(1,996,602)
Subtotal General Fund	19,269,888	21,891,872	15,952,812.69	19,802,808	1,493,407	2,650,264	17,446,220	22,453,072	1,823,668	(561,199)
Expenses using reserve funds	-	-	-	-	-	-	-	-	-	-
Total General Fund - Net Result from Operations									1,823,668	(561,199)
Percentage of Budget	88%		0.81		56%		78%			
CLE-Seminars and Products	1,475,602	1,653,725	863,276.93	1,079,536	155,559	307,219	1,018,836	1,386,755	456,766	266,970
CLE - Deskbooks	84,867	241,000	179,586.88	222,410	6,594	68,325	186,181	290,735	(101,314)	(49,735)
Total CLE	1,560,469	1,894,725	1,042,863.81	1,301,946	162,153	375,544	1,205,017	1,677,490	355,453	217,235
Percentage of Budget	82%		0.80		43%		72%			
Total All Sections	591,300	649,695	-	-	554,025	904,646	554,025	904,646	37,275	(254,951)
Client Protection Fund-Restricted	915,303	730,000	145,155.66	181,912	86,127	502,300	231,282	684,212	684,020	45,788
Totals	22,336,960	25,166,292	17,140,832.16	21,286,666	2,295,713	4,432,754	19,436,545	25,719,419	2,900,415	(553,127)
Percentage of Budget	89%		0.81		52%		76%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2022	2023 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	4,063,501	4,109,289	4,747,521.59
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	1,042,049	1,259,284	1,397,501.46
Section Funds	1,802,650	1,547,699	1,839,924.47
Board-Designated Funds (General Fund):			
Operating Reserve Fund	2,000,000	2,000,000	2,000,000.00
Facilities Reserve Fund	1,000,000	1,000,000	2,700,000.00
Unrestricted Funds (General Fund):			
Unrestricted General Fund	5,713,268	5,152,068	5,836,935.14
Total General Fund Balance	8,713,268	8,152,068	10,536,935.14
Net Change in Total General Fund Balance		(561,199)	1,823,667.61
Total Fund Balance	15,621,468	15,068,341	18,521,882.66
Net Change In Fund Balance		(553,127)	2,900,415.15

**Washington State Bar Association
Analysis of Cash Investments
As of July 31, 2023**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 1,699,913

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.75%	\$ 3,161,901
UBS Financial Money Market	0.25%	\$ 1,107,283
Morgan Stanley Money Market	0.49%	\$ 3,509,314
Merrill Lynch Money Market	1.29%	\$ 778,000
CDs/Treasuries	see list	\$ 10,455,672

General Fund Total \$ 20,712,084

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 356,804

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.63%	\$ 2,071,205
Morgan Stanley Money Market	0.41%	\$ 111,219
CDs/Treasuries	see list	\$ 2,495,088

Client Protection Fund Total \$ 5,034,317

Grand Total Cash & Investments \$ 25,746,400

**Washington State Bar Association
Analysis of Cash Investments
As of July 31, 2023**

General Fund

<u>Bank</u>	<u>Yield</u>	<u>Term Months</u>	<u>Trade Date</u>	<u>Settle Date</u>	<u>Maturity Date</u>	<u>Amount</u>
<i>From WF</i>						
FAMCA CD	4.75%	6	2/1/2023	2/2/2023	8/3/2023	246,738
State Bank of India NY CD	3.10%	12	7/28/2022	8/8/2022	8/8/2023	250,000
FHLBD CD	4.72%	7	2/9/2023	2/10/2023	8/30/2023	247,690
Morgan Stanley Bank CD	5.06%	6	3/9/2023	3/9/2023	9/18/2023	250,000
Morgan Stanley Private Bank CD	5.06%	6	3/9/2023	3/9/2023	9/18/2023	250,000
Valley National Bank CD	5.15%	6	3/14/2023	3/17/2023	9/18/2023	250,000
Fifth Third Bank CD	5.10%	6	3/14/2023	3/21/2023	9/21/2023	250,000
Barclays Bank CD	5.10%	6	3/14/2023	3/22/2023	9/22/2023	250,000
Wells Fargo bank	4.70%	9	12/15/2022	12/23/2022	9/25/2023	250,000
Webster Bank CD	5.00%	6	3/23/2023	3/29/2023	9/29/2023	250,000
Flagstar Bank CD	5.15%	6	3/17/2023	3/30/2023	10/2/2023	250,000
Comerica Bank CD	5.10%	6	3/23/2023	3/30/2023	10/2/2023	250,000
American Commercial Bank CD	5.10%	6	3/23/2023	4/5/2023	10/5/2023	250,000
SOFI Bank CD	4.55%	9	1/13/2023	1/23/2023	10/23/2023	250,000
Fairfield County Bank CD	4.65%	9	2/1/2023	2/3/2023	11/3/2023	250,000
FHLB CD	4.75%	9	2/10/2023	2/13/2023	11/7/2023	250,484
Independent Bank CD	4.75%	9	2/22/2023	2/24/2023	11/24/2023	250,000
FHDN CD	5.25%	6	5/30/2023	5/31/2023	11/24/2023	243,793
DFC Note	4.75%	11	2/1/2023	2/2/2023	12/14/2023	252,332
NexBank CD	5.25%	9	3/14/2023	3/22/2023	12/20/2023	250,000
Citizens Bank CD	5.15%	9	3/14/2023	3/22/2023	12/22/2023	250,000
Bank of Hope CD	5.25%	9	3/14/2023	3/24/2023	12/26/2023	250,000
Hancock Whitney Bank CD	5.35%	9	3/17/2023	3/23/2023	12/26/2023	250,000
CrossFirst Bank CD	5.20%	9	3/17/2023	3/24/2023	12/26/2023	250,000
Zions BankCorp CD	5.30%	9	3/28/2023	3/31/2023	12/29/2023	250,000
FHDN CD	4.75%	11	2/10/2023	2/13/2023	1/11/2024	239,533
FFCB CD	4.75%	12	2/1/2023	2/2/2023	1/18/2024	241,148
JP Morgan Chase Bank CD	4.95%	11	2/22/2023	2/28/2023	1/31/2024	250,000
FHLBDN CD	4.75%	12	2/10/2023	2/13/2023	2/2/2024	250,325
TowneBank CD	4.65%	12	2/1/2023	2/8/2023	2/8/2024	250,000
Millyard Bank CD	4.65%	12	2/1/2023	2/9/2023	2/9/2024	250,000
Encore Bank CD	5.35%	9	5/30/2023	6/7/2023	3/7/2024	250,000
Customers Bank CD	5.20%	12	3/28/2023	3/30/2023	3/28/2024	250,000
Truist Bank CD	5.25%	12	5/30/2023	6/2/2023	5/31/2024	250,000
US Treasury Bill	5.25%	11	7/11/2023	7/13/2023	6/13/2024	238,368
Total from WF						8,463,672
<i>From ML</i>						
City National bank of florida CD	5.30%	3	6/6/2023	6/12/2023	9/12/2023	246,000
US Treasury Bill	5.34%	3	6/6/2023	6/15/2023	9/14/2023	270,000
US Bank, National Assoc. CD	5.25%	6	6/6/2023	6/12/2023	12/7/2023	243,000
US Treasury Bill	5.43%	6	6/6/2023	6/15/2023	12/14/2023	270,000
Bank of China NY	5.30%	6	7/12/2023	7/20/2023	1/22/2024	243,000
TBK bank CD	5.25%	9	6/6/2023	6/12/2023	3/11/2024	240,000
Banner bank CD	5.25%	12	6/6/2023	6/12/2023	6/11/2024	237,000
Bank hapoalim B.M CD	5.20%	18	6/6/2023	6/12/2023	12/9/2024	243,000
Total from ML						1,992,000
Total						10,455,672

**Washington State Bar Association
Analysis of Cash Investments
As of July 31, 2023**

Client Fund Protection Fund

<u>Bank</u>	<u>Yield</u>	<u>Term Months</u>	<u>Trade Date</u>	<u>Settle Date</u>	<u>Maturity Date</u>	<u>Amount</u>
Washington Trust CD	4.80%	6	3/1/2023	3/8/2023	9/8/2023	250,000
Renasant Bank CD	5.10%	6	3/17/2023	3/22/2023	9/22/2023	250,000
Bremer Bank CD	5.10%	6	3/17/2023	3/22/2023	9/22/2023	250,000
Centier Bank CD	5.25%	3	6/29/2023	7/7/2023	10/10/2023	250,000
CapStar Bank CD	4.80%	9	3/1/2023	3/3/2023	12/4/2023	250,000
Bank OZK CD	5.10%	6	6/29/2023	7/7/2023	1/8/2024	250,000
Beal Bank CD	5.10%	6	6/29/2023	7/12/2023	1/10/2024	250,000
Midfirst Bank CD	5.15%	6	6/29/2023	7/12/2023	1/12/2024	250,000
US Treasury Note	4.95%	11	3/1/2023	3/2/2023	1/31/2024	245,088
Western Alliance Bank CD	5.00%	12	3/1/2023	3/9/2023	3/8/2024	250,000
Total						2,495,088

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LICENSE FEES						
REVENUE:						
LICENSE FEES	17,053,467	1,387,491	14,089,678	2,963,788	83%	(121,544)
TOTAL REVENUE:	17,053,467	1,387,491	14,089,678	2,963,788	83%	(121,544)

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
ACCESS TO JUSTICE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
SURVEYS	100	(200)	131	(31)	131%	(47)
ATJ BOARD RETREAT	2,000	-	2,130	(130)	107%	(464)
LEADERSHIP TRAINING	2,000	-	2,175	(175)	109%	(508)
ATJ BOARD EXPENSE	78,400	5,271	49,770	28,630	63%	15,564
STAFF TRAVEL/PARKING	3,000	-	1,119	1,881	37%	1,381
STAFF CONFERENCE & TRAINING	1,675	-	375	1,300	22%	1,021
PUBLIC DEFENSE	4,000	-	810	3,190	20%	2,523
CONFERENCE/INSTITUTE EXPENSE	23,145	-	15,214	7,931	66%	4,074
RECEPTION/FORUM EXPENSE	7,500	2,500	3,248	4,252	43%	3,002
TOTAL DIRECT EXPENSES:	121,820	7,571	74,972	46,848	62%	26,545
INDIRECT EXPENSES:						
SALARY EXPENSE (1.64 FTE)	138,139	11,699	116,477	21,662	84%	(1,361)
BENEFITS EXPENSE	48,192	3,867	38,973	9,219	81%	1,187
OTHER INDIRECT EXPENSE	50,751	3,094	37,542	13,209	74%	4,750
TOTAL INDIRECT EXPENSES:	237,082	18,660	192,992	44,089	81%	4,576
TOTAL ALL EXPENSES:	358,902	26,231	267,964	90,938	75%	31,121
NET INCOME (LOSS):	(358,902)	(26,231)	(267,964)	(90,938)	75%	31,121

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
ADMISSIONS						
REVENUE:						
EXAM SOFTWARE REVENUE	27,000	-	6,715	20,285	25%	(15,785)
BAR EXAM FEES	1,253,000	32,860	1,116,524	136,476	89%	72,357
RULE 9/LEGAL INTERN FEES	12,000	550	11,900	100	99%	1,900
SPECIAL ADMISSIONS	70,940	2,480	23,905	47,035	34%	(35,212)
TOTAL REVENUE:	1,362,940	35,890	1,159,044	203,896	85%	23,261
DIRECT EXPENSES:						
POSTAGE	750	76	569	181	76%	56
STAFF TRAVEL/PARKING	23,000	1,131	10,236	12,764	45%	8,931
STAFF MEMBERSHIP DUES	600	-	400	200	67%	100
SUPPLIES	2,750	-	784	1,966	28%	1,508
FACILITY, PARKING, FOOD	101,000	21,570	67,135	33,865	66%	17,032
EXAMINER FEES	36,000	16,000	28,500	7,500	79%	1,500
UBE EXMINATIONS	123,000	-	32,208	90,792	26%	70,292
BOARD OF BAR EXAMINERS **	21,850	-	13,305	8,545	61%	4,903
BAR EXAM PROCTORS	39,000	-	16,132	22,868	41%	16,368
DISABILITY ACCOMMODATIONS	27,000	-	18,438	8,562	68%	4,062
CHARACTER & FITNESS INVESTIGATIONS	2,000	-	-	2,000	0%	1,667
LAW SCHOOL VISITS	1,700	-	249	1,451	15%	1,168
DEPRECIATION-SOFTWARE	24,929	2,036	20,373	4,556	82%	401
STAFF CONFERENCE & TRAINING	10,500	-	1,644	8,856	16%	7,106
TOTAL DIRECT EXPENSES:	414,079	40,814	209,972	204,107	51%	135,094
INDIRECT EXPENSES:						
SALARY EXPENSE (6.75 FTE)	512,745	41,950	411,485	101,260	80%	15,802
BENEFITS EXPENSE	171,146	15,937	161,343	9,803	94%	(18,722)
OTHER INDIRECT EXPENSE	208,882	12,720	154,310	54,572	74%	19,758
TOTAL INDIRECT EXPENSES:	892,773	70,607	727,139	165,634	81%	16,839
TOTAL ALL EXPENSES:	1,306,852	111,421	937,111	369,741	72%	151,932
NET INCOME (LOSS):	56,088	(75,531)	221,933	(165,845)	396%	175,193

**Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
ADVANCEMENT FTE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF CONFERENCE & TRAINING	8,100	-	3,004	5,096	37%	3,746
TOTAL DIRECT EXPENSES:	8,100	-	3,004	5,096	37%	3,746
INDIRECT EXPENSES:						
SALARY EXPENSE (1.88 FTE)	233,777	19,944	195,449	38,327	84%	(635)
BENEFITS EXPENSE	62,511	5,000	51,196	11,315	82%	897
OTHER INDIRECT EXPENSE	58,178	3,533	42,841	15,336	74%	5,640
TOTAL INDIRECT EXPENSES:	354,465	28,477	289,486	64,979	82%	5,902
TOTAL ALL EXPENSES:	362,565	28,477	292,490	70,076	81%	9,648
NET INCOME (LOSS):	(362,565)	(28,477)	(292,490)	(70,076)	81%	9,648

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
BAR NEWS						
REVENUE:						
DISPLAY ADVERTISING	400,000	45,000	354,000	46,000	89%	20,667
SUBSCRIPT/SINGLE ISSUES	200	36	72	128	36%	(95)
CLASSIFIED ADVERTISING	2,500	50	6,440	(3,940)	258%	4,356
JOB TARGET ADVERTISING	200,000	21,024	121,349	78,651	61%	(45,317)
TOTAL REVENUE:	602,700	66,110	481,861	120,839	80%	(20,389)
DIRECT EXPENSES:						
POSTAGE	110,000	17,011	103,849	6,151	94%	(12,183)
PRINTING, COPYING & MAILING	250,000	24,656	192,743	57,257	77%	15,590
DIGITAL/ONLINE DEVELOPMENT	1,000	(550)	571	429	57%	262
GRAPHICS/ARTWORK	100	-	-	100	0%	83
STAFF CONFERENCE & TRAINING	2,000	-	-	2,000	0%	1,667
STAFF MEMBERSHIP DUES	135	-	-	135	0%	113
SUBSCRIPTIONS	225	550	203	22	90%	(15)
TOTAL DIRECT EXPENSES:	363,460	41,667	297,367	66,093	82%	5,517
INDIRECT EXPENSES:						
SALARY EXPENSE (2.23 FTE)	209,396	17,509	175,143	34,253	84%	(646)
BENEFITS EXPENSE	54,103	4,253	44,108	9,995	82%	978
OTHER INDIRECT EXPENSE	69,008	4,205	51,006	18,002	74%	6,501
TOTAL INDIRECT EXPENSES:	332,507	25,967	270,257	62,250	81%	6,832
TOTAL ALL EXPENSES:	695,967	67,633	567,624	128,343	82%	12,349
NET INCOME (LOSS):	(93,267)	(1,524)	(85,763)	(7,504)	92%	(8,040)

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
BOARD OF GOVERNORS						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
BOG MEETINGS	205,000	27,070	132,351	72,649	65%	38,482
BOG COMMITTEES' EXPENSES **	3,000	-	145	2,855	5%	2,355
BOG RETREAT	50,000	25,248	47,122	2,878	94%	(5,455)
BOG CONFERENCE ATTENDANCE	43,000	-	22,248	20,752	52%	13,586
BOG TRAVEL & OUTREACH **	14,000	4,226	21,321	(7,321)	152%	(9,654)
LEADERSHIP TRAINING	20,000	4,529	12,267	7,733	61%	4,399
BOG ELECTIONS	26,900	-	18,400	8,500	68%	4,017
PRESIDENT'S DINNER	10,000	-	-	10,000	0%	8,333
CONSULTING SERVICES	-	-	6,143	(6,143)		(6,143)
TOTAL DIRECT EXPENSES:	371,900	61,074	259,996	111,904	70%	49,921
INDIRECT EXPENSES:						
SALARY EXPENSE (1.40 FTE)	112,271	9,342	100,970	11,300	90%	(7,411)
BENEFITS EXPENSE	36,105	2,842	28,925	7,181	80%	1,163
OTHER INDIRECT EXPENSE	43,324	2,635	31,960	11,364	74%	4,143
TOTAL INDIRECT EXPENSES:	191,700	14,819	161,855	29,845	84%	(2,105)
TOTAL ALL EXPENSES:	563,600	75,892.88	421,851	141,749	75%	47,816
NET INCOME (LOSS):	(563,600)	(75,893)	(421,851)	(141,749)	75%	47,816

**Budget reallocations have been applied to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
CHARACTER & FITNESS BOARD						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CHARACTER & FITNESS BOARD EXP	12,000	-	273	11,727	2%	9,727
COURT REPORTERS	15,000	840	1,709	13,291	11%	10,791
TOTAL DIRECT EXPENSES:	27,000	840.00	1,981.76	25,018	7%	20,518
INDIRECT EXPENSES:						
SALARY EXPENSE (0.75 FTE)	90,551	7,521	75,159	15,391	83%	300
BENEFITS EXPENSE	25,863	2,027	20,653	5,210	80%	900
OTHER INDIRECT EXPENSE	23,209	1,426	17,326	5,883	75%	2,014
TOTAL INDIRECT EXPENSES:	139,623	10,974	113,138	26,484	81%	3,214
TOTAL ALL EXPENSES:	166,623	11,814	115,120	51,503	69%	23,732
NET INCOME (LOSS):	(166,623)	(11,814)	(115,120)	(51,503)	69%	23,732

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LAW CLERK PROGRAM						
REVENUE:						
LAW CLERK FEES	185,000	-	193,833	(8,833)	105%	39,666
LAW CLERK APPLICATION FEES	3,200	-	2,800	400	88%	133
TOTAL REVENUE:	188,200	-	196,633	(8,433)	104%	39,799
DIRECT EXPENSES:						
SUBSCRIPTIONS	250	-	-	250	0%	208
CHARACTER & FITNESS INVESTIGATIONS	100	-	-	100	0%	83
LAW CLERK BOARD EXPENSE	8,000	-	5,680	2,320	71%	987
LAW CLERK OUTREACH	550	-	-	550	0%	458
TOTAL DIRECT EXPENSES:	8,900	-	5,680	3,220	64%	1,737
INDIRECT EXPENSES:						
SALARY EXPENSE (0.98 FTE)	82,442	6,833	67,973	14,468	82%	728
BENEFITS EXPENSE	25,330	1,972	20,127	5,203	79%	981
OTHER INDIRECT EXPENSE	30,327	1,836	22,275	8,052	73%	2,997
TOTAL INDIRECT EXPENSES:	138,099	10,641	110,376	27,723	80%	4,707
TOTAL ALL EXPENSES:	146,999	10,641	116,055	30,943	79%	6,444
NET INCOME (LOSS):	41,201	(10,641)	80,577	(39,376)	196%	46,243

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
CONTINUING LEGAL EDUCATION (CLE)						
REVENUE:						
SEMINAR REGISTRATIONS	850,000	105,005	599,114	250,886	70%	(109,220)
SEMINAR REVENUE-OTHER	20,000	16,545	37,515	(17,515)	188%	20,848
SEMINAR SPLITS W/ CLE	(133,375)	-	-	(133,375)	0%	111,146
SHIPPING & HANDLING	100	27	135	(35)	135%	52
COURSEBOOK SALES	7,000	185	1,000	6,000	14%	(4,833)
MP3 AND VIDEO SALES	910,000	111,785	837,838	72,162	92%	79,505
TOTAL REVENUE:	1,653,725	233,547	1,475,602	178,123	89%	22,774
DIRECT EXPENSES:						
COURSEBOOK PRODUCTION	1,000	45	45	955	5%	788
POSTAGE - FLIERS/CATALOGS	5,000	-	-	5,000	0%	4,167
DEPRECIATION	1,309	280	2,792	(1,483)	213%	(1,701)
ONLINE EXPENSES	53,000	3,644	39,804	13,196	75%	4,362
ACCREDITATION FEES	3,000	(24)	2,604	396	87%	(104)
SEMINAR BROCHURES	20,000	-	-	20,000	0%	16,667
FACILITIES	165,200	29,779	83,677	81,523	51%	53,990
DISABILITY ACCOMMODATIONS	4,000	-	-	4,000	0%	3,333
SPEAKERS & PROGRAM DEVELOP	32,000	1,188	18,633	13,367	58%	8,033
HONORARIA	1,200	-	-	1,200	0%	1,000
CLE SEMINAR COMMITTEE	200	-	-	200	0%	167
STAFF TRAVEL/PARKING	15,000	-	6,969	8,031	46%	5,531
STAFF CONFERENCE & TRAINING	2,370	-	-	2,370	0%	1,975
STAFF MEMBERSHIP DUES	1,700	-	902	798	53%	514
COST OF SALES - COURSEBOOKS	690	7	99	591	14%	476
A/V DEVELOP COSTS (RECORDING)	1,250	-	-	1,250	0%	1,042
POSTAGE & DELIVERY-COURSEBOOKS	-	-	34	(34)	-	(34)
STAFF TRAVEL/PARKING	300	-	-	300	0%	250
TOTAL DIRECT EXPENSES:	307,219	34,919	155,559	151,660	51%	100,457
INDIRECT EXPENSES:						
SALARY EXPENSE (8.13 FTE)	596,422	50,858	497,472	98,950	83%	(454)
BENEFITS EXPENSE	220,069	17,894	180,075	39,994	82%	3,316
OTHER INDIRECT EXPENSE	263,045	15,313	185,730	77,315	71%	33,474
TOTAL INDIRECT EXPENSES:	1,079,536	84,065	863,277	216,259	80%	36,336
TOTAL ALL EXPENSES:	1,386,755	118,983	1,018,836	367,919	73%	136,793
NET INCOME (LOSS):	266,970	114,564	456,766	(189,796)	171%	234,291

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
COMMUNICATION STRATEGIES FTE						
INDIRECT EXPENSES:						
SALARY EXPENSE (1.00 FTE)	168,213	13,983	140,730	27,484	84%	(552)
BENEFITS EXPENSE	44,241	3,525	35,929	8,311	81%	938
OTHER INDIRECT EXPENSE	30,946	1,889	22,921	8,025	74%	2,868
TOTAL INDIRECT EXPENSES:	<u>243,400</u>	<u>19,397</u>	<u>199,580</u>	<u>43,820</u>	<u>82%</u>	<u>3,254</u>
NET INCOME (LOSS):	<u>(243,400)</u>	<u>(19,397)</u>	<u>(199,580)</u>	<u>(43,820)</u>	<u>82%</u>	<u>3,254</u>

Washington State Bar Association

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	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
COMMUNICATION STRATEGIES						
REVENUE:						
SPONSORSHIPS	1,000	-	-	1,000	0%	(833)
50 YEAR MEMBER TRIBUTE LUNCH	-	1,615	1,615	(1,615)		1,615
50 YEAR MEMBER PLAQUE	2,500	571	2,533	(33)	101%	449
TOTAL REVENUE:	3,500	2,186	4,148	(648)	119%	1,231
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	3,395	198	1,980	1,415	58%	849
STAFF MEMBERSHIP DUES	1,120	-	1,297	(177)	116%	(364)
SUBSCRIPTIONS	4,000	139	2,030	1,970	51%	1,304
APEX DINNER	47,000	1,438	18,938	28,062	40%	20,229
50 YEAR MEMBER TRIBUTE LUNCH	20,000	14,540	17,968	2,032	90%	(1,301)
BAR OUTREACH	18,000	-	566	17,434	3%	14,434
COMMUNICATIONS OUTREACH	15,000	-	1,245	13,755	8%	11,255
STAFF CONFERENCE & TRAINING	7,500	-	1,817	5,683	24%	4,433
TOTAL DIRECT EXPENSES:	116,015	16,315	45,840	70,175	40%	50,839
INDIRECT EXPENSES:						
SALARY EXPENSE (5.20 FTE)	387,612	32,418	323,319	64,293	83%	(309)
BENEFITS EXPENSE	126,285	10,190	103,739	22,546	82%	1,498
OTHER INDIRECT EXPENSE	160,917	9,819	119,122	41,794	74%	14,975
TOTAL INDIRECT EXPENSES:	674,814	52,428	546,180	128,633	81%	16,164
TOTAL ALL EXPENSES:	790,829	68,743	592,020	198,809	75%	67,004
NET INCOME (LOSS):	(787,329)	(66,557)	(587,873)	(199,456)	75%	68,235

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	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
CLIENT PROTECTION FUND						
REVENUE:						
CPF RESTITUTION	40,000	407	7,202	32,798	18%	(26,131)
CPF MEMBER ASSESSMENTS	690,000	2,680	706,610	(16,610)	102%	131,610
INTEREST INCOME **	-	24,780	201,490	(201,490)		201,490
TOTAL REVENUE:	730,000	27,866.95	915,303	(185,303)	125%	306,969
DIRECT EXPENSES:						
BANK FEES - WELLS FARGO	2,100	285	2,183	(83)	104%	(433)
GIFTS TO INJURED CLIENTS	500,000	-	82,963	417,037	17%	333,703
CPF BOARD EXPENSES **	-	-	781	(781)		(781)
STAFF MEMBERSHIP DUES	200	200	200	-	100%	(33)
TOTAL DIRECT EXPENSES:	502,300	484.97	86,127	416,173	17%	332,457
INDIRECT EXPENSES:						
SALARY EXPENSE (1.23 FTE)	104,797	8,824.80	87,382	17,416	83%	(51)
BENEFITS EXPENSE	37,207	2,951.83	29,688	7,519	80%	1,318
OTHER INDIRECT EXPENSE	39,907	2,315.12	28,086	11,822	70%	5,171
TOTAL INDIRECT EXPENSES:	181,912	14,091.75	145,155.6600	36,756	80%	6,438
TOTAL ALL EXPENSES:	684,212	14,576.72	231,282	452,930	34%	338,894
NET INCOME (LOSS):	45,788	13,290.23	684,020	(638,232)	1494%	645,864

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
DESKBOOKS						
REVENUE:						
DESKBOOK SALES	150,000	-	31,198	118,802	21%	(93,802)
LEXIS/NEXIS ROYALTIES	35,000	-	27,650	7,350	79%	(1,516)
SECTION PUBLICATION SALES	6,000	-	1,850	4,151	31%	(3,151)
FASTCASE ROYALTIES	50,000	-	24,169	25,831	48%	(17,497)
TOTAL REVENUE:	241,000	-	84,867	156,133	35%	(115,966)
DIRECT EXPENSES:						
COST OF SALES - DESKBOOKS	65,000	-	4,966	60,034	8%	49,201
COST OF SALES - SECTION PUBLICATION	1,500	-	832	668	55%	418
SPLITS TO SECTIONS	300	-	320	(20)	107%	(70)
DESKBOOK ROYALTIES	300	-	92	208	31%	158
STAFF CONFRENCES & TRAINING	1,000	-	-	1,000	0%	833
POSTAGE & DELIVER-DESKBOOKS	-	-	90	(90)		(90)
STAFF MEMBERSHIP DUES	225	-	256	(31)	114%	(68)
SUBSCRIPTIONS	-	-	39	(39)		(39)
TOTAL DIRECT EXPENSES:	68,325	-	6,594	61,731	10%	50,343
INDIRECT EXPENSES:						
SALARY EXPENSE (1.50 FTE)	132,287	10,971	111,558	20,729	84%	(1,319)
BENEFITS EXPENSE	41,948	3,328	33,809	8,139	81%	1,147
OTHER INDIRECT EXPENSE	48,175	2,821	34,219	13,956	71%	5,927
TOTAL INDIRECT EXPENSES:	222,410	17,120	179,587	42,823	81%	5,755
TOTAL ALL EXPENSES:	290,735	17,120	186,181	104,554	64%	56,099
NET INCOME (LOSS):	(49,735)	(17,120)	(101,314)	51,578	204%	(59,867)

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DISCIPLINE						
REVENUE:						
AUDIT REVENUE	1,000	21	722	278	72%	(111)
RECOVERY OF DISCIPLINE COSTS	100,000	1,334	42,437	57,563	42%	(40,897)
DISCIPLINE HISTORY SUMMARY	18,000	1,020	15,119	2,881	84%	119
TOTAL REVENUE:	119,000	2,375	58,278	60,722	49%	(40,889)
DIRECT EXPENSES:						
DEPRECIATION-SOFTWARE	45,835	-	-	45,835	0%	38,196
PUBLICATIONS PRODUCTION	200	-	169	31	84%	(2)
STAFF TRAVEL/PARKING	20,000	414	6,083	13,917	30%	10,583
STAFF MEMBERSHIP DUES	7,610	-	1,920	5,690	25%	4,422
TELEPHONE	2,359	559	2,984	(625)	127%	(1,019)
COURT REPORTERS	60,000	3,674	48,022	11,978	80%	1,978
OUTSIDE COUNSEL/AIC	1,500	-	-	1,500	0%	1,250
LITIGATION EXPENSES	25,000	2,201	20,845	4,156	83%	(11)
DISABILITY EXPENSES	9,000	-	198	8,802	2%	7,302
TRANSLATION SERVICES	1,200	-	150	1,050	13%	850
STAFF CONFERENCE & TRAINING	33,295	35	18,862	14,433	57%	8,884
PRACTICE MONITOR EXPENSE	1,000	-	-	1,000	0%	833
TOTAL DIRECT EXPENSES:	206,999	6,883	99,234	107,765	48%	73,265
INDIRECT EXPENSES:						
SALARY EXPENSE (37.80 FTE)	3,764,781	272,752	2,889,526	875,254	77%	247,791
BENEFITS EXPENSE	1,073,208	87,164	890,637	182,571	83%	3,703
OTHER INDIRECT EXPENSE	1,169,740	71,291	864,847	304,893	74%	109,937
TOTAL INDIRECT EXPENSES:	6,007,729	431,207	4,645,010	1,362,719	77%	361,431
TOTAL ALL EXPENSES:	6,214,728	438,090	4,744,244	1,470,484	76%	434,696
NET INCOME (LOSS):	(6,095,728)	(435,715)	(4,685,966)	(1,409,762)	77%	393,807

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	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
DIVERSITY						
REVENUE:						
DONATIONS	135,000	-	135,000	-	100%	22,500
TOTAL REVENUE:	135,000	-	135,000	-	100%	22,500
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	2,000	24	798	1,202	40%	868
STAFF MEMBERSHIP DUES	360	-	90	270	25%	210
COMMITTEE FOR DIVERSITY	3,800	-	953	2,847	25%	2,214
DIVERSITY EVENTS & PROJECTS **	19,250	2,192	5,695	13,555	30%	10,347
SURVEYS **	45,000	100	16,600	28,400	37%	20,900
STAFF CONFERENCE & TRAINING **	5,000	1,000	1,600	3,400	32%	2,567
CONSULTING SERVICES	54,625	-	13,575	41,050	25%	31,946
TOTAL DIRECT EXPENSE:	130,035	3,316	39,311	90,724	30%	69,052
INDIRECT EXPENSES:						
SALARY EXPENSE (1.69 FTE)	144,941	9,970	90,496	54,445	62%	30,288
BENEFITS EXPENSE	43,533	3,333	34,136	9,397	78%	2,142
OTHER INDIRECT EXPENSE	52,260	3,193	38,739	13,521	74%	4,811
TOTAL INDIRECT EXPENSES:	240,734	16,496	163,370	77,363	68%	37,241
TOTAL ALL EXPENSES:	370,769	19,812	202,681	168,088	55%	106,293
NET INCOME (LOSS):	(235,769)	(19,812)	(67,681)	(168,088)	29%	128,793

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FINANCE						
(Previously ADMINISTRATION cost center)						
REVENUE:						
INTEREST INCOME **	26,000	91,073	727,088	(701,088)	2796%	705,422
TOTAL REVENUE:	26,000	91,073	727,088	(701,088)	2796%	705,422
DIRECT EXPENSES:						
CONSULTING SERVICES **	3,000	-	875	2,125	29%	1,625
STAFF TRAVEL/PARKING	3,000	18	2,230	770	74%	270
STAFF CONFERENCE & TRAINING	500	-	-	500	0%	417
STAFF MEMBERSHIP DUES	-	-	685	(685)		(685)
TOTAL DIRECT EXPENSES:	6,500	18	3,790	2,710	58%	1,627
INDIRECT EXPENSES:						
SALARY EXPENSE (6.92 FTE)	661,642	54,629	553,252	108,390	84%	(1,884)
BENEFITS EXPENSE	205,235	16,742	169,194	36,040	82%	1,835
OTHER INDIRECT EXPENSE	213,844	13,093	158,830	55,014	74%	19,373
TOTAL INDIRECT EXPENSES:	1,080,720	84,463	881,276	199,445	82%	19,325
TOTAL ALL EXPENSES:	1,087,220	84,481	885,066	202,155	81%	20,951
NET INCOME (LOSS):	(1,061,220)	6,591	(157,977)	(903,243)	15%	726,373

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FOUNDATION						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CONSULTING SERVICES	3,000	-	3,000	-	100%	(500)
PRINTING & COPYING	450	-	-	450	0%	375
STAFF TRAVEL/PARKING	700	218	218	482	31%	366
SUPPLIES	150	-	24	126	16%	101
BOARD OF TRUSTEES	750	-	103	647	14%	522
POSTAGE	300	-	8	292	3%	242
STAFF CONFERENCE & TRAINING	300	-	-	300	0%	250
TOTAL DIRECT EXPENSES:	5,650	218	3,352	2,298	59%	1,356
INDIRECT EXPENSES:						
SALARY EXPENSE (1.05 FTE)	96,359	8,188	80,047	16,312	83%	252
BENEFITS EXPENSE	18,295	1,319	14,390	3,905	79%	856
OTHER INDIRECT EXPENSE	32,493	1,969	23,889	8,604	74%	3,188
TOTAL INDIRECT EXPENSES:	147,147	11,475	118,326	28,821	80%	4,296
TOTAL ALL EXPENSES:	152,797	11,693	121,678	31,119	80%	5,653
NET INCOME (LOSS):	(152,797)	(11,693)	(121,678)	(31,119)	80%	5,653

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
HUMAN RESOURCES						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	700	-	43	657	6%	541
STAFF MEMBERSHIP DUES	800	-	458	342	57%	209
SUBSCRIPTIONS	500	-	1,348	(848)	270%	(931)
STAFF TRAINING- GENERAL **	15,000	-	2,066	12,934	14%	10,434
RECRUITING AND ADVERTISING	6,600	2,777	6,748	(148)	102%	(1,248)
PAYROLL PROCESSING	50,000	3,641	39,821	10,179	80%	1,846
SALARY SURVEYS	1,500	-	-	1,500	0%	1,250
CONSULTING SERVICES	2,000	-	-	2,000	0%	1,667
TRANSFER TO INDIRECT EXPENSE	(77,100)	(6,418)	(50,484)	(26,616)	65%	(13,766)
TOTAL DIRECT EXPENSES:	-	-	-	-		-
INDIRECT EXPENSES:						
SALARY EXPENSE (4.00 FTE)	380,554	27,218	311,842	68,711	82%	5,286
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(166,667)
BENEFITS EXPENSE	120,251	9,850	99,778	20,473	83%	431
OTHER INDIRECT EXPENSE	123,820	7,558	91,682	32,138	74%	11,501
TOTAL INDIRECT EXPENSES:	424,625	44,625	503,303	(78,678)	119%	(149,449)
TOTAL ALL EXPENSES:	424,625	44,625	503,303	(78,678)	119%	(149,449)
NET INCOME (LOSS):	(424,625)	(44,625)	(503,303)	78,678	119%	(149,449)

**Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

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For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LEGISLATIVE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	3,133	-	124	3,009	4%	2,487
STAFF MEMBERSHIP DUES	450	-	-	450	0%	375
JUD RECOMMEND COMMITTEE	2,250	-	-	2,250	0%	1,875
SUBSCRIPTIONS	2,000	-	1,985	16	99%	(318)
TELEPHONE	-	96	477	(477)		(477)
CONTRACT LOBBYIST	15,000	-	12,500	2,500	83%	-
LEGISLATIVE COMMITTEE	1,250	-	-	1,250	0%	1,042
BOG LEGISLATIVE COMMITTEE	300	-	-	300	0%	250
STAFF CONFERENCE & TRAINING	2,400	-	1,842	558	77%	158
TOTAL DIRECT EXPENSES:	26,783	96	16,927	9,856	63%	5,392
INDIRECT EXPENSES:						
SALARY EXPENSE (1.70 FTE)	147,316	12,424	119,864	27,452	81%	2,899
BENEFITS EXPENSE	42,758	3,377	34,641	8,116	81%	990
OTHER INDIRECT EXPENSE	52,607	3,193	38,739	13,868	74%	5,101
TOTAL INDIRECT EXPENSES:	242,681	18,994	193,244	49,437	80%	8,990
TOTAL ALL EXPENSES:	269,464	19,091	210,172	59,292	78%	14,381
NET INCOME (LOSS):	(269,464)	(19,091)	(210,172)	(59,292)	78%	14,381

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LICENSING & MEMBERSHIP RECORDS						
REVENUE:						
STATUS CERTIFICATE FEES	27,000	1,875	23,375	3,625	87%	875
INVESTIGATION FEES	21,000	1,000	21,100	(100)	100%	3,600
PRO HAC VICE	400,000	22,442	310,524	89,476	78%	(22,809)
MEMBER CONTACT INFORMATION	4,000	-	3,464	536	87%	131
PHOTO BAR CARD SALES	200	12	192	8	96%	25
TOTAL REVENUE:	452,200	25,329	358,655	93,545	79%	(18,178)
DIRECT EXPENSES:						
DEPRECIATION	1,151	-	-	1,151	0%	959
POSTAGE	16,500	-	18,061	(1,561)	109%	(4,311)
LICENSING FORMS	2,000	-	2,401	(401)	120%	(735)
CONSULTING SERVICES **	4,000	4,000	4,000	-	100%	(667)
SUPPLIES - BAR CARDS	-	-	1,750	(1,750)		(1,750)
TOTAL DIRECT EXPENSES:	23,651	4,000	26,212	(2,561)	111%	(6,503)
INDIRECT EXPENSES:						
SALARY EXPENSE (3.83 FTE)	379,520	31,782	327,853	51,667	86%	(11,586)
BENEFITS EXPENSE	124,269	10,123	101,988	22,281	82%	1,570
OTHER INDIRECT EXPENSE	118,521	7,212	87,485	31,036	74%	11,282
TOTAL INDIRECT EXPENSES:	622,311	49,117	517,326	104,984	83%	1,266
TOTAL ALL EXPENSES:	645,962	53,117	543,538	102,423	84%	(5,237)
NET INCOME (LOSS):	(193,762)	(27,788)	(184,883)	(8,878)	95%	(23,415)

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Washington State Bar Association

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM						
REVENUE:						
SEMINAR REGISTRATIONS	12,000	-	-	12,000	0%	(10,000)
LLLT LICENSE FEES	16,622	1,394	11,549	5,073	69%	(2,303)
LLLT LATE LICENSE FEES	1,100	-	133	967	12%	(784)
INVESTIGATION FEES	-	-	100	(100)		100
TOTAL REVENUE:	29,722	1,394	11,782	17,940	40%	(12,986)
DIRECT EXPENSES:						
LLLT BOARD	15,000	-	3,909	11,091	26%	8,591
LLLT EDUCATION	500	-	-	500	0%	417
TOTAL DIRECT EXPENSES:	15,500	-	3,909	11,591	25%	9,008
INDIRECT EXPENSES:						
SALARY EXPENSE (0.53 FTE)	51,548	4,189	42,028	9,520	82%	929
BENEFITS EXPENSE	17,299	1,340	13,515	3,784	78%	901
OTHER INDIRECT EXPENSE	16,401	1,011	12,267	4,134	75%	1,400
TOTAL INDIRECT EXPENSES:	85,248	6,540	67,810	17,438	80%	3,230
TOTAL ALL EXPENSES:	100,748	6,540	71,719	29,030	71%	12,238
NET INCOME (LOSS):	(71,026)	(5,146)	(59,937)	29,030	84%	(748)

Washington State Bar Association

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
LIMITED PRACTICE OFFICERS						
REVENUE:						
INVESTIGATION FEES	500	100	600	(100)	120%	183
MEMBER LATE FEES	-	-	4,350	(4,350)		4,350
LPO EXAMINATION FEES	28,300	-	28,300	-	100%	4,717
LPO LICENSE FEES	164,750	13,126	134,561	30,189	82%	(2,730)
LPO LATE LICENSE FEES	988	-	2,220	(1,232)	225%	1,397
LPO LICENSE FEES - REINSTATES	550	-	-	550	0%	(458)
TOTAL REVENUE:	195,088	13,226	170,031	25,057	87%	7,458
DIRECT EXPENSES:						
FACILITY, PARKING, FOOD	9,000	367	2,535	6,465	28%	4,965
EXAM WRITING	9,000	-	8,400	600	93%	(900)
LPO BOARD	1,792	-	2,301	(509)	128%	(807)
LPO OUTREACH	1,000	-	-	1,000	0%	833
PRINTING & COPYING	250	82	82	168	33%	127
SUPPLIES	-	-	73	(73)		(73)
TOTAL DIRECT EXPENSES:	21,042	448	13,390	7,652	64%	4,145
INDIRECT EXPENSES:						
SALARY EXPENSE (0.68 FTE)	57,874	5,244	48,823	9,052	84%	(594)
BENEFITS EXPENSE	20,388	1,586	15,984	4,404	78%	1,006
OTHER INDIRECT EXPENSE	21,043	1,277	15,496	5,547	74%	2,040
TOTAL INDIRECT EXPENSES:	99,305	8,108	80,302	19,003	81%	2,452
TOTAL ALL EXPENSES:	120,347	8,556	93,693	26,655	78%	6,597
NET INCOME (LOSS):	74,741	4,670	76,339	(1,598)	102%	14,055

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
MANDATORY CONTINUING LEGAL EDUCATION						
REVENUE:						
ACCREDITED PROGRAM FEES	550,000	48,700	561,200	(11,200)	102%	102,867
FORM 1 LATE FEES	220,000	19,450	217,350	2,650	99%	34,017
MEMBER LATE FEES	190,000	600	232,250	(42,250)	122%	73,917
ANNUAL ACCREDITED SPONSOR FEES	38,250	-	38,750	(500)	101%	6,875
ATTENDANCE LATE FEES	98,000	9,250	110,150	(12,150)	112%	28,483
COMITY CERTIFICATES	29,000	275	29,825	(825)	103%	5,658
TOTAL REVENUE:	1,125,250	78,275	1,189,525	(64,275)	106%	251,816
DIRECT EXPENSES:						
DEPRECIATION **	59,565	-	6,443	53,122	11%	43,194
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(83)
MCLE BOARD	2,000	-	-	2,000	0%	1,667
STAFF TRAVEL/PARKING	50	-	-	50	0%	42
STAFF CONFERENCE & TRAINING	4,900	-	250	4,650	5%	3,833
TOTAL DIRECT EXPENSES:	67,015	-	7,193	59,822	11%	48,653
INDIRECT EXPENSES:						
SALARY EXPENSE (4.88 FTE) **	437,860	32,387	401,868	35,992	92%	(36,985)
BENEFITS EXPENSE	125,455	10,206	102,694	22,761	82%	1,852
OTHER INDIRECT EXPENSE	151,014	9,207	111,697	39,317	74%	14,148
TOTAL INDIRECT EXPENSES:	714,329	51,800	616,259	98,070	86%	(20,985)
TOTAL ALL EXPENSES:	781,344	51,800	623,452	157,892	80%	27,668
NET INCOME (LOSS):	343,906	26,475	566,072	(222,166)	165%	279,484

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Washington State Bar Association

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For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
MEMBER SERVICES & ENGAGEMENT TEAM						
REVENUE:						
ROYALTIES	10,800	62	12,000	(1,200)	111%	3,000
NMP PRODUCT SALES	65,000	3,639	23,348	41,652	36%	(30,818)
DIGITAL VIDEO SALES	14,000	784	22,393	(8,393)	160%	10,726
SPONSORSHIPS	10,000	-	9,000	1,000	90%	667 Credit is Re
SEMINAR REGISTRATIONS	8,000	-	62,221	(54,221)	778%	55,554
TRIAL ADVOCACY PROGRAM	12,000	(99)	15,829	(3,829)	132%	5,829 Registerati
TOTAL REVENUE:	119,800	4,386	144,791	(24,991)	121%	44,958
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	1,700	375	564	1,136	33%	853
STAFF CONFERENCE & TRAINING	250	-	164	86	66%	44
SMALL TOWN AND RURAL COMMITTEE	3,700	-	2,659	1,041	72%	425
PRINTING & COPYING	1,200	-	1,300	(100)	108%	(300)
NEW LAWYER OUTREACH	1,000	-	-	1,000	0%	833
YLL SECTION PROGRAM	1,500	-	545	955	36%	705
WYLC CLE COMPS	1,000	-	-	1,000	0%	833
WYLC OUTREACH EVENTS	1,500	-	250	1,250	17%	1,000
SPEAKERS & PROGRAM DEVELOP	1,500	(551)	-	1,500	0%	1,250
WYL COMMITTEE	12,000	1,428	2,606	9,394	22%	7,394
OPEN SECTIONS NIGHT	3,500	-	-	3,500	0%	2,917
TRIAL ADVOCACY EXPENSES	1,500	-	-	1,500	0%	1,250
RECEPTION/FORUM EXPENSE	2,300	-	-	2,300	0%	1,917
WYLC SCHOLARSHIPS/DONATIONS/GRANT	5,000	-	-	5,000	0%	4,167
STAFF MEMBERSHIP DUES	850	-	300	550	35%	408
LENDING LIBRARY	4,000	90	274	3,726	7%	3,059
NMP SPEAKERS & PROGRAM DEVELOPMENT	100	-	-	100	0%	83
TOTAL DIRECT EXPENSES:	42,600	1,342	8,662	33,938	20%	26,838
INDIRECT EXPENSES:						
SALARY EXPENSE (4.64 FTE)	311,600	26,360	258,564	53,036	83%	1,103
BENEFITS EXPENSE	108,835	8,506	86,380	22,455	79%	4,316
OTHER INDIRECT EXPENSE	143,340	8,728	105,887	37,453	74%	13,563
TOTAL INDIRECT EXPENSES:	563,775	43,594	450,831	112,944	80%	18,982
TOTAL ALL EXPENSES:	606,375	44,936	459,493	146,882	76%	45,820
NET INCOME (LOSS):	(486,575)	(40,550)	(314,701)	(171,873)	65%	90,778

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
MEMBER WELLNESS PROGRAM						
REVENUE:						
DIVERSIONS	7,500	-	6,000	1,500	80%	(250)
TOTAL REVENUE:	7,500	-	6,000	1,500	80%	(250)
DIRECT EXPENSES:						
STAFF MEMBERSHIP DUES	500	-	226	274	45%	191
MEMBER WELLNESS COUNCIL **	550	-	-	550	0%	458
STAFF CONFERENCE & TRAINING	300	-	401	(101)	134%	(151)
SUBSCRIPTIONS	1,200	110	1,072	128	89%	(72)
TOTAL DIRECT EXPENSES:	2,550	110	1,699	851	67%	426
INDIRECT EXPENSES:						
SALARY EXPENSE (1.48 FTE)	133,673	11,092	96,614	37,059	72%	14,780
BENEFITS EXPENSE	55,402	4,517	44,785	10,617	81%	1,383
OTHER INDIRECT EXPENSE	45,645	2,794	33,896	11,748	74%	4,141
TOTAL INDIRECT EXPENSES:	234,719	18,404	175,296	59,423	75%	20,303
TOTAL ALL EXPENSES:	237,269	18,514	176,995	60,274	75%	20,729
NET INCOME (LOSS):	(229,769)	(18,514)	(170,995)	(58,774)	74%	20,479

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
OFFICE OF THE EXECUTIVE DIRECTOR						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
LEADERSHIP TRAINING	20,000	168	6,328	13,672	32%	10,339
WASHINGTON LEADERSHIP INSTITUTE	80,000	-	-	80,000	0%	66,667
ED TRAVEL & OUTREACH	5,000	228	1,587	3,413	32%	2,580
BAR LEADERS CONFERENCE	12,000	-	8,497	3,503	71%	1,503
STAFF TRAVEL/PARKING	1,500	198	1,620	(120)	108%	(370)
STAFF CONFERENCE & TRAINING	8,925	375	8,026	899	90%	(588)
STAFF MEMBERSHIP DUES	1,000	-	1,375	(375)	138%	(542)
SURVEY	350	-	681	(331)	195%	(389)
TOTAL DIRECT EXPENSES:	128,775	969	28,113	100,662	22%	79,200
INDIRECT EXPENSES:						
SALARY EXPENSE (2.00 FTE)	402,379	34,224	328,971	73,409	82%	6,345
BENEFITS EXPENSE	103,989	8,418	85,492	18,497	82%	1,166
OTHER INDIRECT EXPENSE	61,891	3,779	45,841	16,050	74%	5,735
TOTAL INDIRECT EXPENSES:	568,259	46,420	460,304	107,955	81%	13,246
TOTAL ALL EXPENSES:	697,034	47,389	488,416	208,618	70%	92,446
NET INCOME (LOSS):	(697,034)	(47,389)	(488,416)	208,618	70%	92,446

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
OFFICE OF GENERAL COUNSEL						
REVENUE:						
RECORDS REQUEST FEES	963	-	-	963	0%	(803)
TOTAL REVENUE:	963	-	-	963	0%	(803)
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	500	-	28	472	6%	389
STAFF MEMBERSHIP DUES	1,150	(300)	950	200	83%	8
COURT RULES COMMITTEE	1,000	-	-	1,000	0%	833
CUSTODIANSHIPS	8,150	-	199	7,951	2%	6,593
WILLS	2,000	-	-	2,000	0%	1,667
LITIGATION EXPENSES	200	-	-	200	0%	167
DISABILITY ACCOMMODATIONS **	-	104	320	(320)		(320)
STAFF CONFERENCE & TRAINING	6,400	-	2,377	4,023	37%	2,956
TOTAL DIRECT EXPENSES:	19,400	(196)	3,874	15,526	20%	12,292
INDIRECT EXPENSES:						
SALARY EXPENSE (6.17 FTE)	656,837	46,993	468,983	187,854	71%	78,381
BENEFITS EXPENSE	188,816	15,293	156,003	32,813	83%	1,344
OTHER INDIRECT EXPENSE	192,481	11,709	142,043	50,438	74%	18,358
TOTAL INDIRECT EXPENSES:	1,038,134	73,995	767,029	271,105	74%	98,082
TOTAL ALL EXPENSES:	1,057,534	73,800	770,904	286,630	73%	110,375
NET INCOME (LOSS):	(1,056,571)	(73,800)	(770,904)	(285,667)	73%	109,572

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OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSE:						
STAFF MEMBERSHIP DUES	100	100	100	-	100%	(17)
DISCIPLINARY BOARD EXPENSES	4,000	-	-	4,000	0%	3,333
CHIEF HEARING OFFICER	30,000	2,500	25,000	5,000	83%	-
HEARING OFFICER EXPENSES	17,500	-	891	16,609	5%	13,692
HEARING OFFICER TRAINING	400	-	-	400	0%	333
OUTSIDE COUNSEL **	51,500	4,000	40,000	11,500	78%	2,917
TOTAL DIRECT EXPENSES:	103,500	6,600	65,991	37,509	64%	20,259
INDIRECT EXPENSES:						
SALARY EXPENSE (1.40 FTE)	133,790	11,230	112,809	20,981	84%	(1,317)
BENEFITS EXPENSE	40,026	3,169	32,320	7,706	81%	1,035
OTHER INDIRECT EXPENSE	43,324	2,634	31,960	11,364	74%	4,144
TOTAL INDIRECT EXPENSES:	217,139	17,034	177,088	40,051	82%	3,862
TOTAL ALL EXPENSES:	320,639	23,634	243,079	77,560	76%	24,120
NET INCOME (LOSS):	(320,639)	(23,634)	(243,079)	(77,560)	76%	24,120

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PRACTICE OF LAW BOARD						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
PRACTICE OF LAW BOARD	12,000	-	2,220	9,780	19%	7,780
TOTAL DIRECT EXPENSES:	12,000	-	2,220	9,780	19%	7,780
INDIRECT EXPENSES:						
SALARY EXPENSE (0.45 FTE)	35,965	3,026	29,901	6,064	83%	69
BENEFITS EXPENSE	13,465	1,021	10,261	3,203	76%	959
OTHER INDIRECT EXPENSE	13,925	878	10,653	3,272	77%	951
TOTAL INDIRECT EXPENSES:	63,355	4,925	50,816	12,539	80%	1,980
TOTAL ALL EXPENSES:	75,355	4,925	53,036	22,319	70%	9,760
NET INCOME (LOSS):	(75,355)	(4,925)	(53,036)	(22,319)	70%	9,760

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
PRACTICE MANAGEMENT ASSISTANCE						
REVENUE:						
ROYALTIES	50,000	1,171	51,336	(1,336)	103%	9,670
TOTAL REVENUE:	50,000	1,171	51,336	(1,336)	103%	9,670
DIRECT EXPENSE:						
STAFF MEMBERSHIP DUES	150	-	150	-	100%	(25)
FASTCASE	73,000	-	72,966	34	100%	(12,133)
STAFF CONFERENCE & TRAINING **	500	-	500	-	100%	(83)
TOTAL DIRECT EXPENSES:	73,650	-	73,616	34	100%	(12,241)
INDIRECT EXPENSES:						
SALARY EXPENSE (0.95 FTE)	80,135	6,594	66,364	13,772	83%	416
BENEFITS EXPENSE	23,499	1,824	18,725	4,775	80%	858
OTHER INDIRECT EXPENSE	29,398	1,783	21,629	7,769	74%	2,869
TOTAL INDIRECT EXPENSES:	133,033	10,202	106,718	26,315	80%	4,143
TOTAL ALL EXPENSES:	206,683	10,202	180,334	26,349	87%	(8,098)
NET INCOME (LOSS):	(156,683)	(9,031)	(128,998)	(27,685)	82%	1,572

**Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

Washington State Bar Association

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For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
PROFESSIONAL RESPONSIBILITY PROGRAM						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	750	-	1,075	(325)	143%	(450)
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(83)
CPE COMMITTEE	1,000	-	890	110	89%	(57)
TOTAL DIRECT EXPENSES:	2,250	-	2,465	(215)	110%	(590)
INDIRECT EXPENSES:						
SALARY EXPENSE (1.10 FTE)	91,667	11,385	113,945	(22,278)	124%	(37,556)
BENEFITS EXPENSE	37,219	4,764	46,888	(9,669)	126%	(15,872)
OTHER INDIRECT EXPENSE	22,435	2,076	25,180	(2,745)	112%	(6,484)
TOTAL INDIRECT EXPENSES:	151,321	18,225	186,013	(34,692)	123%	(59,912)
TOTAL ALL EXPENSES:	153,571	18,225	188,478	(34,907)	123%	(60,502)
NET INCOME (LOSS):	(153,571)	(18,225)	(188,478)	34,907	123%	(60,502)

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
PUBLIC SERVICE PROGRAMS						
REVENUE:						
DONATIONS & GRANTS	130,000	-	130,000	-	100%	21,667
TOTAL REVENUE:	130,000	-	130,000	-	100%	21,667
DIRECT EXPENSES:						
DONATIONS/SPONSORSHIPS/GRANTS	260,828	67,574	164,811	96,017	63%	52,546
STAFF TRAVEL/PARKING	1,500	-	19	1,481	1%	1,231
SURVEYS	100	100	100	-	100%	(17)
PRO BONO & PUBLIC SERVICE COMMITTEE	1,500	-	393	1,107	26%	857
STAFF CONFERENCE & TRAINING	1,000	-	-	1,000	0%	833
PRO BONO CERTIFICATES	2,000	409	866	1,134	43%	801
TOTAL DIRECT EXPENSES:	266,928	68,082	166,188	100,740	62%	56,252
INDIRECT EXPENSES:						
SALARY EXPENSE (1.62 FTE)	128,588	10,433	89,002	39,586	69%	18,155
BENEFITS EXPENSE	40,609	3,208	32,716	7,894	81%	1,126
OTHER INDIRECT EXPENSE	50,132	3,060	37,125	13,007	74%	4,652
TOTAL INDIRECT EXPENSES:	219,329	16,702	158,842	60,487	72%	23,932
TOTAL ALL EXPENSES:	486,257	84,784	325,030	161,227	67%	80,184
NET INCOME (LOSS):	(356,257)	(84,784)	(195,030)	(161,227)	55%	101,851

Washington State Bar Association

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
PUBLICATION & DESIGN SERVICES						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF CONFERENCE & TRAINING	350	-	-	350	0%	292
SUBSCRIPTIONS	162	-	100	62	62%	35
IMAGE LIBRARY	4,100	-	4,100	-	100%	(683)
TOTAL DIRECT EXPENSES:	4,612	-	4,200	412	91%	(357)
INDIRECT EXPENSES:						
SALARY EXPENSE (0.89 FTE)	72,143	5,982	60,555	11,587	84%	(436)
BENEFITS EXPENSE	19,491	1,466	15,234	4,257	78%	1,008
OTHER INDIRECT EXPENSE	27,542	1,677	20,338	7,204	74%	2,613
TOTAL INDIRECT EXPENSES:	119,175	9,125	96,127	23,048	81%	3,185
TOTAL ALL EXPENSES:	123,787	9,125	100,327	23,460	81%	2,828
NET INCOME (LOSS):	(123,787)	(9,125)	(100,327)	(23,460)	81%	2,828

Washington State Bar Association

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For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
REGULATORY SERVICES FTE						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF CONFERENCE & TRAINING	23,550	375	6,240	17,310	26%	13,385
STAFF TRAVEL/PARKING	-	-	168	(168)		(168)
TOTAL DIRECT EXPENSES:	23,550	375	6,408	17,142	27%	13,217
INDIRECT EXPENSES:						
SALARY EXPENSE (2.70 FTE)	349,467	28,843	292,140	57,327	84%	(918)
BENEFITS EXPENSE	103,888	8,435	85,345	18,543	82%	1,229
OTHER INDIRECT EXPENSE	83,553	5,083	61,659	21,893	74%	7,968
TOTAL INDIRECT EXPENSES:	536,908	42,362	439,144	97,764	82%	8,279
TOTAL ALL EXPENSES:	560,458	42,737	445,552	114,906	79%	21,496
NET INCOME (LOSS):	(560,458)	(42,737)	(445,552)	(114,906)	79%	21,496

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
SERVICE CENTER						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	-	198	1,980	(1,980)		(1,980)
TRANSLATION SERVICES	8,200	403	3,820	4,380	47%	3,014
STAFF CONFERENCE & TRAINING	2,100	-	-	2,100	0%	1,750
TOTAL DIRECT EXPENSES:	10,300	601	5,800	4,500	56%	2,784
INDIRECT EXPENSES:						
SALARY EXPENSE (5.71 FTE)	383,690	31,866	324,234	59,456	85%	(4,493)
BENEFITS EXPENSE	142,992	11,626	117,230	25,762	82%	1,930
OTHER INDIRECT EXPENSE	176,699	10,777	130,744	45,955	74%	16,505
TOTAL INDIRECT EXPENSES:	703,381	54,270	572,208	131,172	81%	13,942
TOTAL ALL EXPENSES:	713,681	54,870	578,008	135,673	81%	16,726
NET INCOME (LOSS):	(713,681)	(54,870)	(578,008)	(135,673)	81%	16,726

Washington State Bar Association

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For the Period from July 1, 2023 to July 31, 2023

83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
SECTIONS ADMINISTRATION						
REVENUE:						
REIMBURSEMENTS FROM SECTIONS	290,543	971	356,037	(65,494)	123%	113,918
TOTAL REVENUE:	290,543	971	356,037	(65,494)	123%	113,918
DIRECT EXPENSES:						
STAFF TRAVEL/PARKING	750	-	14	736	2%	611
SUBSCRIPTIONS	350	-	331	19	95%	(39)
SECTION/COMMITTEE CHAIR MTGS	1,000	-	456	544	46%	377
DUES STATEMENTS	5,000	-	-	5,000	0%	4,167
STAFF CONFERENCE & TRAINING	500	-	65	435	13%	352
STAFF MEMBERSHIP DUES	250	-	45	205	18%	163
TOTAL DIRECT EXPENSES:	7,850	-	911	6,939	12%	5,631
INDIRECT EXPENSES:						
SALARY EXPENSE (2.58 FTE)	149,581	12,677	125,594	23,987	84%	(943)
BENEFITS EXPENSE	61,326	4,943	49,669	11,658	81%	1,437
OTHER INDIRECT EXPENSE	79,839	4,870	59,077	20,763	74%	7,456
TOTAL INDIRECT EXPENSES:	290,746	22,490	234,339	56,407	81%	7,949
TOTAL ALL EXPENSES:	298,596	22,490	235,250	63,346	79%	13,580
NET INCOME (LOSS):	(8,053)	(21,518)	120,787	(128,840)	-1500%	127,498

Washington State Bar Association

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
SECTIONS OPERATIONS						
REVENUE:						
SECTION DUES	440,225	1,645	567,619	(127,394)	129%	200,765
SEMINAR PROFIT SHARE	147,470	1,135	1,135	146,335	1%	(121,757)
INTEREST INCOME	13,120	-	-	13,120	0%	(10,933)
PUBLICATIONS REVENUE	2,000	-	1,142	858	57%	(525)
OTHER	46,880	1,740	21,405	25,475	46%	(17,662)
TOTAL REVENUE:	649,695	4,520	591,300	58,395	91%	49,888
DIRECT EXPENSES:						
DIRECT EXPENSES OF SECTION ACTIVITIES	632,503	43,747	197,988	434,515	31%	329,098
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	272,143	971	356,037	(83,894)	131%	(129,252)
TOTAL DIRECT EXPENSES:	904,646	44,719	554,025	350,620	61%	199,846
NET INCOME (LOSS):	(254,951)	(40,199)	37,275	(292,226)	-15%	249,734

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
TECHNOLOGY						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
CONSULTING SERVICES	110,000	(1,651)	92,563	17,437	84%	(896)
STAFF TRAVEL/PARKING	2,000	162	512	1,488	26%	1,155
STAFF MEMBERSHIP DUES	450	-	-	450	0%	375
TELEPHONE	95,000	10,937	70,835	24,165	75%	8,332
COMPUTER HARDWARE	65,000	470	60,005	4,995	92%	(5,838)
COMPUTER SOFTWARE **	316,525	9,607	177,982	138,543	56%	85,789
HARDWARE SERVICE & WARRANTIES	60,000	-	44,432	15,568	74%	5,568
SOFTWARE MAINTENANCE & LICENSING	380,000	-	299,331	80,669	79%	17,336
COMPUTER SUPPLIES	2,000	-	-	2,000	0%	1,667
THIRD PARTY SERVICES	40,000	3,265	31,492	8,508	79%	1,842
STAFF CONFERENCE & TRAINING	10,000	-	-	10,000	0%	8,333
TRANSFER TO INDIRECT EXPENSES	(1,080,975)	(22,789)	(777,150)	(303,825)	72%	(123,662)
TOTAL DIRECT EXPENSES:	-	-	-	-		0
INDIRECT EXPENSES:						
SALARY EXPENSE (13.00 FTE)	1,434,416	107,255	1,162,855	271,561	81%	32,492
BENEFITS EXPENSE	439,894	35,988	364,091	75,803	83%	2,488
CAPITAL LABOR & OVERHEAD	(280,000)	(15,803)	(224,608)	(55,392)	80%	8,726
OTHER INDIRECT EXPENSE	402,292	24,509	297,321	104,970	74%	37,922
TOTAL INDIRECT EXPENSES:	1,996,602	151,949	1,599,659	396,943	80%	81,627
TOTAL ALL EXPENSES:	1,996,602	151,949	1,599,659	396,943	80%	81,627
NET INCOME (LOSS):	(1,996,602)	(151,949)	(1,599,659)	(396,943)	80%	64,176

**Budget reallocations apply to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
VOLUNTEER ENGAGEMENT						
REVENUE:						
TOTAL REVENUE:	-	-	-	-		-
DIRECT EXPENSES:						
STAFF MEMBERSHIP DUES	350	-	498	(148)	142%	(206)
STAFF CONFERENCE & TRAINING	2,500	-	2,450	50	98%	(367)
ABA DELEGATES	15,000	-	4,324	10,676	29%	8,176
TOTAL DIRECT EXPENSES:	17,850	-	7,272	10,578	41%	7,603
INDIRECT EXPENSES:						
SALARY EXPENSE (0.60 FTE)	59,415	5,017	51,895	7,520	87%	(2,382)
BENEFITS EXPENSE	19,657	1,524	15,392	4,266	78%	990
OTHER INDIRECT EXPENSE	18,567	1,144	13,881	4,686	75%	1,591
TOTAL INDIRECT EXPENSES:	97,639	7,685	81,167	16,472	83%	199
TOTAL ALL EXPENSES:	115,489	7,685	88,440	27,050	77%	199
NET INCOME (LOSS):	(115,489)	(7,685)	(88,440)	(27,050)	77%	7,801

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83% OF YEAR COMPLETE

	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
INDIRECT EXPENSES:						
SALARIES	13,113,765	1,028,904	10,535,667	2,578,098	80%	392,471
ALLOWANCE FOR OPEN POSITIONS	(200,000)	-	-	(200,000)	0%	(166,667)
TEMPORARY SALARIES	200,627	14,711	215,477	(14,850)	107%	(48,288)
CAPITAL LABOR & OVERHEAD	(280,000)	(15,803)	(224,608)	(55,392)	80%	8,726
EMPLOYEE ASSISTANCE PLAN	4,800	-	4,000	800	83%	-
EMPLOYEE SERVICE AWARDS	2,038	175	1,845	193	91%	(146)
FICA (EMPLOYER PORTION)	806,675	77,885	769,220	37,455	95%	(96,991)
L&I INSURANCE	62,000	-	44,190	17,811	71%	7,477
WA STATE FAMILY MEDICAL LEAVE (EMPLOYI	18,000	2,266	20,784	(2,784)	115%	(5,784)
MEDICAL (EMPLOYER PORTION)	1,701,951	150,292	1,385,803	316,148	81%	32,489
RETIREMENT (EMPLOYER PORTION)	1,356,286	96,878	1,064,737	291,549	79%	65,501
TRANSPORTATION ALLOWANCE	65,045	219	32,697	32,348	50%	21,507
UNEMPLOYMENT INSURANCE	65,206	5,815	62,776	2,430	96%	(8,438)
TOTAL SALARY & BENEFITS EXPENSE:	16,916,394	1,361,342	13,912,588	3,003,806	82%	201,858
WORKPLACE BENEFITS	45,980	3,486	22,645	23,335	49%	15,672
HUMAN RESOURCES POOLED EXP	77,100	6,418	50,484	26,616	65%	13,766
MEETING SUPPORT EXPENSES	10,000	512	5,077	4,923	51%	3,257
RENT	2,131,247	161,826	1,763,881	367,366	83%	12,159
MOVE / DOWNSIZE EXPENSES **	31,859	15,435	20,188	11,671	63%	6,361
PERSONAL PROP TAXES-WSBA	6,650	442	4,512	2,138	68%	1,030
FURNITURE, MAINT, LH IMP	25,300	2,821	9,126	16,174	36%	11,957
OFFICE SUPPLIES & EQUIPMENT	18,000	1,738	15,872	2,128	88%	(872)
FURN & OFFICE EQUIP DEPRECIATION **	64,498	4,813	49,929	14,569	77%	3,819
COMPUTER HARDWARE DEPRECIATION	45,354	3,383	34,633	10,721	76%	3,162
COMPUTER SOFTWARE DEPRECIATION **	92,726	3,916	43,639	49,087	47%	33,633
INSURANCE	272,643	22,025	220,252	52,391	81%	6,950
WORK HOME FURNITURE & EQUIP	14,000	371	3,651	10,349	26%	8,016
PROFESSIONAL FEES-AUDIT	50,000	-	30,365	19,635	61%	11,302
PROFESSIONAL FEES-LEGAL **	200,000	3,379	50,486	149,514	25%	116,181
ONLINE LEGAL RESEARCH **	50,000	4,234	32,032	17,968	64%	9,635
TELEPHONE & INTERNET	33,600	2,440	18,517	15,083	55%	9,483
POSTAGE - GENERAL	24,000	512	10,092	13,908	42%	9,908
RECORDS STORAGE	30,000	2,772	20,817	9,183	69%	4,183
BANK FEES	51,000	2,625	40,732	10,268	80%	1,768
PRODUCTION MAINTENANCE & SUPPLIES	15,340	174	4,165	11,175	27%	8,618
COMPUTER POOLED EXPENSES	1,080,975	22,789	777,150	303,825	72%	123,662
TOTAL OTHER INDIRECT EXPENSES:	4,370,272	266,111	3,228,244	1,142,028	74%	413,649
TOTAL INDIRECT EXPENSES:	21,286,666	1,627,452	17,140,832	4,145,834	81%	598,056

**Budget reallocations have been applied to this line item. For details, see FY23 Budget Reallocations memo(s) included in the Board of Governors meeting materials.

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SUMMARY PAGE	FISCAL 2023 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
ACCESS TO JUSTICE	(358,902)	(26,231)	(267,964)	(90,938)
ADMISSIONS/BAR EXAM	56,088	(75,531)	221,933	(165,845)
ADVANCEMENT FTE	(362,565)	(28,477)	(292,490)	(70,076)
BAR NEWS	(93,267)	(1,524)	(85,763)	(7,504)
BOARD OF GOVERNORS	(563,600)	(75,893)	(421,851)	(141,749)
CLE - PRODUCTS	686,086	94,648	668,598	17,488
CLE - SEMINARS	(419,115)	19,915	(211,832)	(207,283)
CLIENT PROTECTION FUND	45,788	13,290	684,020	(638,232)
CHARACTER & FITNESS BOARD	(166,623)	(11,814)	(115,120)	(51,503)
COMMUNICATIONS	(787,329)	(66,557)	(587,873)	(199,456)
COMMUNICATIONS FTE	(243,400)	(19,397)	(199,580)	(43,820)
DESKBOOKS	(49,735)	(17,120)	(101,314)	51,578
DISCIPLINE	(6,095,728)	(435,715)	(4,685,966)	(1,409,762)
DIVERSITY	(235,769)	(19,812)	(67,681)	(168,088)
FINANCE	(1,061,220)	6,591	(157,977)	(903,243)
FOUNDATION	(152,797)	(11,693)	(121,678)	(31,119)
HUMAN RESOURCES	(424,625)	(44,625)	(503,303)	78,678
LAW CLERK PROGRAM	41,201	(10,641)	80,577	(39,376)
LEGISLATIVE	(269,464)	(19,091)	(210,172)	(59,292)
LEGAL LUNCHBOX	(29,617)	(6,427)	(12,503)	(17,114)
LICENSE FEES	17,053,467	1,387,491	14,089,678	2,963,788
LICENSING AND MEMBERSHIP	(193,762)	(27,788)	(184,883)	(8,878)
LIMITED LICENSE LEGAL TECHNICIAN	(71,026)	(5,146)	(59,937)	(11,090)
LIMITED PRACTICE OFFICERS	74,741	4,670	76,339	(1,598)
MANDATORY CLE ADMINISTRATION	343,906	26,475	566,072	(222,166)
MEMBER WELLNESS PROGRAM	(229,769)	(18,514)	(170,995)	(58,774)
MINI CLE	(114,412)	(8,869)	(91,723)	(22,689)
MEMBER SERVICES & ENGAGEMENT	(330,678)	(25,327)	(239,717)	(90,961)
NEW MEMBER EDUCATION	(11,869)	(3,786)	25,382	(37,251)
OFFICE OF GENERAL COUNSEL	(1,056,571)	(73,800)	(770,904)	(285,667)
OFFICE OF THE EXECUTIVE DIRECTOR	(697,034)	(47,389)	(488,416)	(208,618)
OGC-DISCIPLINARY BOARD	(320,639)	(23,634)	(243,079)	(77,560)
PRACTICE OF LAW BOARD	(75,355)	(4,925)	(53,036)	(22,319)
PRACTICE MANAGEMENT ASSISTANCE	(156,683)	(9,031)	(128,998)	(27,685)
PROFESSIONAL RESPONSIBILITY PROGRAM	(153,571)	(18,225)	(188,478)	34,907
PUBLIC SERVICE PROGRAMS	(356,257)	(84,784)	(195,030)	(161,227)
PUBLICATION & DESIGN SERVICES	(123,787)	(9,125)	(100,327)	(23,460)
REGULATORY SERVICES FTE	(560,458)	(42,737)	(445,552)	(114,906)
SECTIONS ADMINISTRATION	(8,053)	(21,518)	120,787	(128,840)
SECTIONS OPERATIONS	(254,951)	(40,199)	37,275	(292,226)
SERVICE CENTER	(713,681)	(54,870)	(578,008)	(135,673)
TECHNOLOGY	(1,996,602)	(151,949)	(1,599,659)	(396,943)
VOLUNTEER EDUCATION	(115,489)	(7,685)	(88,440)	(27,050)
INDIRECT EXPENSES	21,286,666	1,627,452	17,140,832	4,145,834
TOTAL OF ALL	(20,733,539)	(1,630,686)	(20,041,247)	(692,291)
NET INCOME (LOSS)	(553,127)	3,234	2,900,415	(3,453,542)

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.]

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 ¹	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No ²	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 ³
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 ⁴	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes ⁴	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



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.



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



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.



BOARD OF GOVERNORS

Anthony David Gipe
President

phone: 206.386.4721
e-mail: 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



WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



Dan Clark
President



Hunter Abell
President-Elect



Brian Tollefson
Immediate Past
President

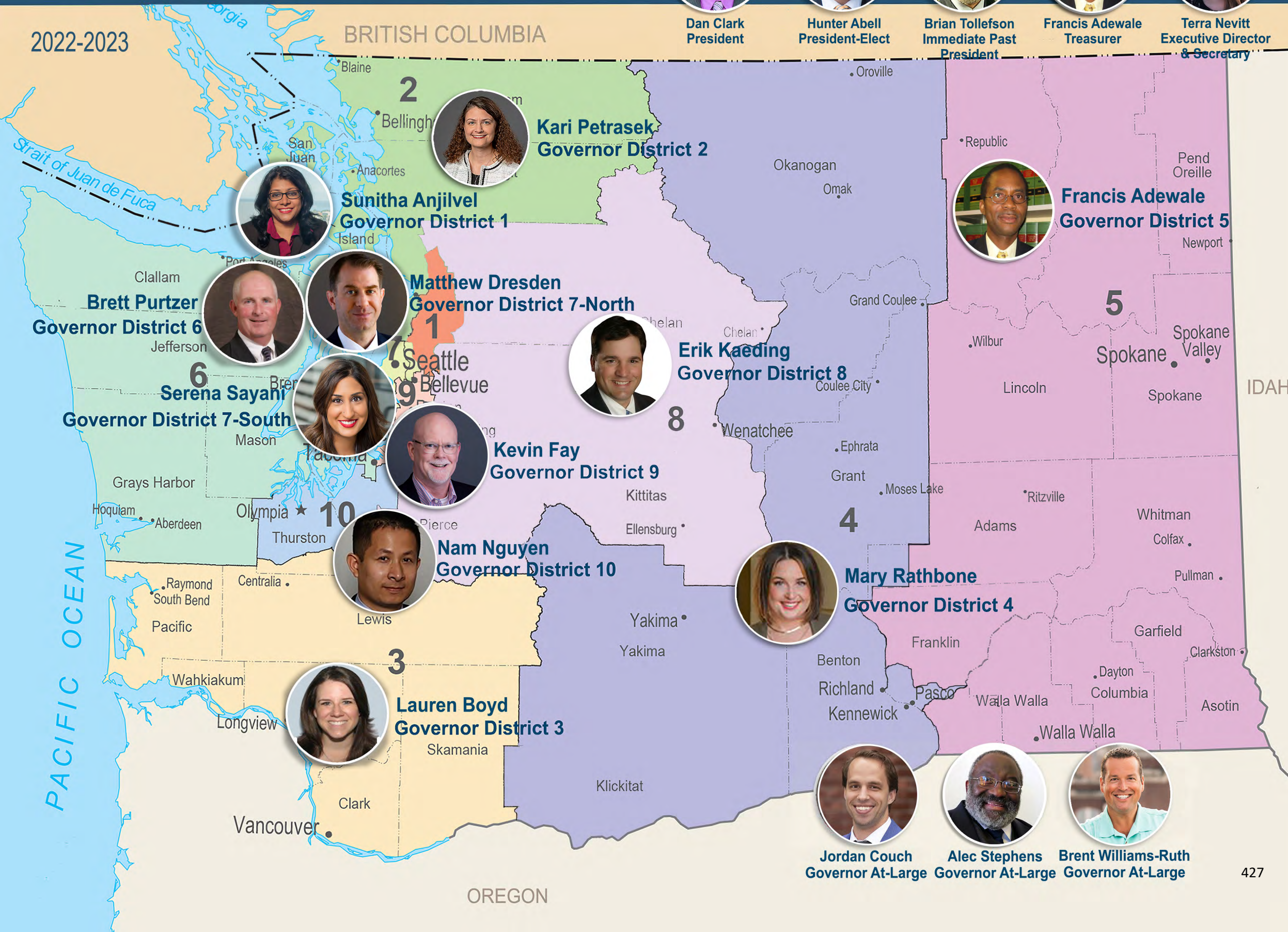


Francis Adewale
Treasurer



Terra Nevitt
Executive Director
& Secretary

2022-2023



Brett Purtzer
Governor District 6



Matthew Dresden
Governor District 7-North

Serena Sayani
Governor District 7-South



Kevin Fay
Governor District 9



Erik Kaeding
Governor District 8



Nam Nguyen
Governor District 10



Mary Rathbone
Governor District 4



Lauren Boyd
Governor District 3



Jordan Couch
Governor At-Large



Alec Stephens
Governor At-Large



Brent Williams-Ruth
Governor At-Large

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
October 22, 2022	Virtual Meeting	Goal Setting Retreat	n/a	n/a	n/a
November 5, 2022	Hotel Bellwether Bellingham, WA	BOG Meeting Team Building Retreat Nov. 4	September 30, 2022	October 7, 2022	October 17, 2022
January 13-14, 2023	WSBA Conference Center Seattle, WA	BOG Meeting MLK Luncheon Jan. 13	December 5, 2022	December 12, 2022	December 27, 2022
March 3-4, 2023	Supreme Court Temporary Facility Tumwater, WA Heritage Room Olympia, WA	Meeting w/Supreme Court Mar. 3 Budget and Audit Retreat Mar. 3 BOG Meeting	January 20, 2023	January 27, 2023	February 13, 2023
May 19-20, 2023	Hilton Garden Inn Yakima, WA	BOG Meeting	March 31, 2023	April 7, 2023	April 17, 2023
June 23-24, 2023	Heathman Lodge Vancouver, WA	BOG Meeting Mid-Year Retreat Jun. 22	May 19, 2023	May 24, 2023	June 5, 2023
August 11-12, 2023	Courtyard Columbia Point Richland, WA	BOG Meeting	July 7, 2023	July 14, 2023	July 24, 2023
September 8-9, 2023	Historic Davenport Hotel Spokane, WA	BOG Meeting	August 7, 2023	August 14, 2023	August 21, 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 policy 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>

BOARD OF GOVERNORS MEETING Late Materials September 8-9, 2023 Historic Davenport, Spokane, WA Zoom and Teleconference	
Description	Page Number
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August 30, 2023
Final President's Report & Thank You
September 2023 Board of Governors Meeting

Below is a summary of outreach events and activities that have occurred since we last meet in August. However, by far and away, the most important information I want to convey in this, my final President's Report before handing the reigns over to incoming President Hunter M. Abell, is overwhelming gratitude. I say it often because it's true—it has been a tremendous honor to serve as the FY2023 WSBA President, and we have achieved a lot together because of the collaboration, dedication, and expertise of every one of you, including the officers, Governors, staff members, WSBA volunteers, and members. I am proud and I am thankful, and I want to convey that to each of you personally as I round out my term, which is why I am looking forward to our September meeting followed by the 2023 President's Reception and Awards Celebration. This is my opportunity to celebrate everyone who has helped the WSBA achieve its mission—and more—this past year, and I truly hope you will be able to attend. It's a small way I can convey my big thanks!

On to those updates:

- **Get Involved in WSBA!** This is my last written communication as FY 23 President to encourage you if you aren't already to please strongly consider volunteering at your bar. WSBA needs volunteers to carry out our mission. Thank you to each of you reading this that currently volunteer at our bar. For those of you that don't, there are ample annual opportunities to volunteer. I've spent this year trying to increase member engagement and volunteerism. So thanks to everyone that has answered the call and I hope that if you haven't yet, that you will. WSBA wants you! (to volunteer!!).
- **September Bar News President's Corner:** That's a wrap! After three years—two as Treasurer, one as President—of consistently writing columns for “Bar News,” I am putting down the proverbial pen. As I write in the column, it has been a unique and amazing privilege being able to share information about the bar and encourage members to get involved. In my farewell column, I share my beliefs that I am leaving the Presidency with the state bar and its Board in a much better financial position with increased transparency and focus on the members. I also reflect on how important and lifechanging it was for me, the first bar president with a major speech disability in the state and nation, to be able to serve within an organization committed to accommodating and including all kinds of diversity; I don't think I would be here without that. I offer my sincere hope that many other members from marginalized communities who haven't had a seat at the table of governance are able to take a seat in the future. And, of course, I end with my thanks for you, my fellow governors, and optimism for the year ... and years ... ahead.
- **August Meeting Recap:** Thank you to everyone who filled out the after-meeting survey; your feedback helps us to continue to improve and offer meaningful training and meeting flow/structure. I was glad to see that the majority of

respondents scored the meeting itself a 4.13 on a 5-point scale, and the entire experience was rated at 4.25. There was praise for both an efficient agenda and an agenda with ample time for discussion. We also continue to hear about the potential for modified Roberts Rules or some other method for governing procedures. In terms of the speaker and training, we also received actionable feedback, which I know incoming President Abell appreciates; this includes making sure to provide information ahead of time about speakers and providing ample time for questions and conversation. We will certainly plan for that in the future. I would like to give a special thank you to Retired General James Mattis for graciously taking time out of his extremely busy schedule to come on a pro bono basis and provide what I found to be an amazing opportunity meet with him and hear his thoughts on leadership, and collaborative working together.

- **2023 Listening Tour:** Our Listening Tour stops are scheduled for this month, in Lake Stevens, Port Orchard, and Seattle on Sept. 11 and 13, and in Moses Lake, Richland, and Walla Walla on Sept. 25. This is an opportunity for WSBA leaders to hear directly from members across the state. As usual, we plan to take copious notes and to report back to the Board as well as to the membership at large about the themes that emerge. We had a good discussion at our August meeting about how these are scheduled and when, particularly when it comes to including the local governor. Executive Director Nevitt and I want to assure you that we heard the feedback. While the Listening Tour may have started as a primarily President and ED-focused affair, we agree in the wisdom of including the local governor from the get-go in the planning—and we intended to do so this year. We will do better next year and beyond, and our intention is to begin the scheduling process much, much sooner in the year to avoid the calendar crunch.
- **Special thanks to outgoing Governors & WSBA Officers:** FY 22 WSBA President Brian Tollefson: The September BOG meeting is always bittersweet, and somewhat sad in that we say goodbye to outgoing Governors and Officers, but also swear-in incoming next FY year Governors. Sadly, we say goodbye to outgoing Governors Alec Stephens, Lauren Boyd, Brett Purtzer,, and Erik Keading. In the case of Alec Stephens, he leaves the longest serving Governor in WSBA history, having served for approximately 68 months as an At-Large Governor.

I would specifically like to point out that Alec, Brian, and I essentially served since 2017 together on the Board of Governors. I would like to thank Alec and Brian for their service, for their friendship(s), and for working collaboratively with me in service all these years on the Board of Governors. It will be different in FY 24 when both are no longer on the Board.

It's been an amazing opportunity to get to work with each of these dedicated attorneys, and certainly it is my sincere hope that they have enjoyed their service on the Board of Governors. On behalf of the BOG and WSBA membership, thank you to each of you for your dedicated service on the FY 23 WSBA Board of Governors.

- **Special Recognition & Thank you to Francis Adewalde:** I had the amazing honor to serve as our WSBA Treasurer during FY 2020 and FY 2021. Having served as Treasurer, I know the tremendous amount of work that serving in this Officer position entails. So I would be remiss if I didn't give a special shout out to Francis for agreeing to serve a second term as our organizations FY 24 Treasurer. Thank you, Francis, for taking on this often nonglamorous but critical important job of serving as our Treasurer. I look forward to continuing to collaboratively work with you in FY 24 as a WSBA Officer.
- **Swearing in of FY 24 Governors and Officers:** I am excited that we will be swearing-in incoming FY 24 1L Governors, Tom Ahearne, Allison Whitney, Kristina Larry, and Todd Bloom. We will also be re-swearing in continuing Governor Matthew Dresden who won another three (3) year term as District 7N Governor. We will also be swearing in the FY 25 WSBA President and current District 1 Governor Sunitha Anjilvel as our FY 24 President-Elect. It is my sincere hope that each and every new Governor and WSBA Officer ultimately enjoy the service on the Board of Governors at the same level of enjoyment and personal growth and enrichment that I have experienced as a member of the BOG since July 2017!
- **Special Thanks to the FY 23 WSBA Officers:** I want to especially call out a special round of thanks to the FY 23 WSBA Officers. I believe we have had a very successful and collaborative year of working well together and with Terra Nevitt as our Executive Director. It was my strong desire this year to establish a culture of collaborative and respectful interaction with Terra and the entire Executive Leadership Team. It is my sincere hope that the FY 24 BOG, and future BOGs will continue this tone and collaborative leadership with WSBA staff.
- **Thanks to the Entire FY 23 Governors:** I would be fully remiss if I didn't give a special thanks individually and collectively to all of the entire FY 23 Governors. Serving on the Board of Governors truly is a very important job with a high opportunity cost in service to our bar. I have the utmost respect for all of the current and former Governors of our Board of Governors that have donated their time, energy, and expertise as WSBA members in leadership and governance of our organization on the Board. This year's Board, I believe successfully worked together and each of us—and all of us collectively—should be really proud of what we have accomplished this year. It is my sincere hope that the many accomplishments regarding strategic planning, annual goal setting, working collaboratively with WSBA staff, and helping to place a much higher emphasis on DEI trainings of the BOG and interactions with MBAs will continue into FY 24 and beyond.
- **Looking into the Future:** The FY 24 BOG will continue to tackle several important issues facing our legal profession and the public in which we serve. Some of them will involve dealing with ChatGPT and A.I.'s continued involvement in the legal profession, Entity Regulation, Member Wellness, DEI efforts, Rural

Practice shortage of Attorneys in Rural Areas and what the future of WSBA space and our bar exam will look at. This is a very exciting time to serve on the Board of Governors. I trust that FY 24 President Abell and FY 25 President Anjilvel will successfully lead future BOGs in tackling these important issues!

- **Special Recognition of Milton G. Rowland.** At the September meeting, I will be honoring Milt Rowland, a lifetime Spokane County Bar member and retired longtime Gonzaga School of Law adjunct professor, with a WSBA President Commendation Award. Milt has had a monumental positive influence on my career as an attorney. Milt is also the smartest and most skilled attorney I have ever met. Milt is a 2018 Apex Award Winner for the Lifetime Service Award, and he has also won the Adjunct Professor of the year at Gonzaga so many years that it was renamed the Milt Rowland Adjunct Professor of the Year Award several years ago. If you mention Milt's name to almost any graduate from Gonzaga School of Law, you will get the same positive response. Milt Rowland is universally loved by substantially all of Gonzaga School of Law alumni.
- **Special Recognition of Rex Nolte and Kirsten Lacko:** I would like to give special shout outs to WSBA staff Rex Nolte and Kirsten Lacko. I've had the amazing honor and privilege to work and interact with both of them for several years. Both provide outstanding service to the Board of Governors, WSBA, and our membership. So I would like to especially thank both of them for their outstanding skilled service, and thank them individually for helping to make the FY 23 WSBA year a successful one.
- **Thank you to the Executive Leadership Team:** I would like to also thank and give recognition to the hard work of each of our Executive Leadership Team members. It's been very encouraging to hear individually from all of them that they think that our BOG and WSBA is heading in a positive direction and some have commented that this has been the best BOG year in memory.

It bears repeating once more: It has been a tremendous honor to serve as the current FY 23 WSBA President. As I've tried hard to establish this year, this hasn't been "my year" but rather "our year." I firmly believe that we have had a great and successful year, and I am so encouraged by the emerging leadership climate and culture. Above all, it's the relationships that are the true treasure that I have gained as I have served into my seventh year. I look forward to my service on the 8th Board of Governors for FY 24. The Bottom line is I deeply appreciate you. While our bylaws as currently written will have the Immediate Past-President position not being an official member of the Board of Governors, I look forward to serving in that position during the FY 24 year and providing as much support and leadership assistance to Hunter, Sunitha, and the rest of the Board of Governors as possible. **I am extremely excited to be handing the President's gavel shortly to our FY 24 President Hunter Abell, and I know that Hunter will continue to be an absolute rock star in his service to WSBA as our next President!**

Thank you and please let me know if you have any questions. You can reach me at (509) 969-4731 or via email at Danclarkbog@yahoo.com

Respectfully,
Daniel D. Clark
FY 23 WSBA President
WSBA #35901

TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: August 29, 2023
RE: Supplement to Executive Director's Report

Membership Demographic Study Launched

The Membership Study was launched with a member-wide survey last month. By now, every member has received a unique invitation to participate in the survey which asks questions about each members' demographic information as well as their experience in the legal profession. Following the close of the survey, Kno-Why Consultants will facilitate focus groups of underrepresented members to gather more qualitative data and share their report this fall.

Recognition for the Powerful Communities Project

The [Powerful Communities Project](#) is being honored with the 2023 National Conference of Bar Foundations' Partnership for Success Award, which will be presented at their Annual Meeting later this month. This award honors bar foundation initiatives that make a significant impact in their community on issues for which lawyers are uniquely positioned to lead, with an emphasis on leveraging partnerships. Launched in 2019, through a partnership between the Washington State Bar Association and the Washington State Bar Foundation, the Powerful Communities Project has been providing small grants to organizations to help them jumpstart new community-based projects and/or expand existing programs that benefit and provide services to people who are denied justice due to systemic oppression. Since its inception the Foundation has awarded 59 grants totaling almost \$184,000 in 20+ Washington counties, working with immigrant communities, people who are formerly incarcerated, the LGBTQ community, youth of color, and many others. Grantees are selected by a panel that includes WSBA staff, Foundation Trustees, and community members with lived experience. Please join me in congratulating the Foundation Board and WSBA staff including Laura Sanford, Saleena Salango, Joyce Díaz, and Diana Singleton.

NCBE Shares Details about the NextGen Bar Exam Structure & Announces the Sunset of the Current Exam

In a [press release](#) August 28, the National Conference of Bar Examiners (NCBE), announced its planned structure for the NextGen Bar Exam and announced that the current exam will sunset following the July 2027 exam. The NextGen exam will launch in July 2026 and jurisdictions will have the option to move to the NextGen exam or stay with the current exam until it is sunset. The new exam will be divided into three, three-hour sessions administered over the course of two days for a total of 9 testing hours; compared to the current exam which is 12 hours long. You can learn more about the exam content and review sample questions on the [NCBE website](#). The NCBE is a non-profit organization that develops the licensing tests for bar admission used in 54 US jurisdictions, including Washington.

A reminder that NCBE will be presenting to the Board and answering questions about the NextGen exam during the September meeting. The Board will also hear from the Bar Licensure Task Force on its draft recommendations to the Court, which include a recommendation with respect to the NextGen exam.

Program Review Update – Understand What Data is Available

Following our discussion at the June Board meeting about potential key performance indicators for evaluating the success of WSBA programs and activities, Deputy Executive Director Dua Abudiab has been working with members of the Executive Leadership Team to identify what data we have or might readily be able to capture. A few key takeaways from that research are (1) WSBA already has quite a bit of data but does not have dedicated resources to analyze or sift through that data. Currently it is done on an ad hoc basis by a variety of different folks and can be time consuming and inefficient. (2) We believe we can capture additional data about members and volunteers; however, we want to be careful to not overwhelm these audiences with duplicative surveys and requests for information. (3) For the most part, financial data is available and measurable. (4) For the most part, we do not have data related to public engagement and it may be difficult data to acquire.

Ongoing and comprehensive program evaluation will likely require a greater investment in our ability to gather and utilize data, however it is difficult to fully assess our needs at this point. My recommendation is that next year, we proceed with a pilot program to conduct program review on 2-3 programs and activities and as we work to gather data for those programs, we document the time it takes to gather and analyze the relevant data, pain points in those processes, as well as any key information or resource gaps. We can use this information to inform a recommendation to broaden program review to an ongoing process. I am targeting the November Board meeting to bring forward a proposal for the pilot, including initial programs and activities proposed for review and a recommended process.

Attachments

Media Report

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Jennifer Olegario, Communications and Outreach Manager, and Sara Niegowski, Chief Communications Officer

Date: Aug. 28, 2023

Re: Summary of Media Contacts, July 25-Aug. 25, 2023

Date	Journalist and Media Outlet	Inquiry
Aug. 2	Marianna Wharry, Law.com	Public records request for attorney who resigned in lieu of discipline. Public Records Counsel provided information.
Aug. 4	TJ Martinell, The Center Square	Sought comment regarding the Attorney General's Office sending a litigation hold notice on May 12 to Seattle University. No comment provided.
Aug. 11	Daniel Beekman, <i>The Seattle Times</i>	Inquired about WSBA's involvement in the King County Civic Campus Initiative. Referred him to the King County Bar Association.
Aug. 18	Dan Tilkin, KOIN-TV (Portland, OR)	Inquired whether lawyers in Washington State are considered mandatory reporters for child abuse.

News Releases

- [Eduardo Morfin Named Local Hero \(Aug. 11, 2023\)](#)

**Washington State Bar Association Financial Summary
Fiscal Year 2024 Budget Final Draft**

Category	FY24 Budgeted Revenues	FY24 Budgeted Expenses	FY24 Budget Net Result
Access to Justice	-	336,864	(336,864)
Admissions/Bar Exam	1,300,740	1,361,425	(60,685)
Advancement FTE	-	368,381	(368,381)
Bar News	610,100	708,164	(98,064)
Board of Governors	-	566,110	(566,110)
Character & Fitness Board	-	172,249	(172,249)
Communications Strategies	500	825,468	(824,968)
Communications Strategies FTE	-	249,385	(249,385)
Discipline	119,000	6,314,089	(6,195,089)
Diversity	135,000	476,883	(341,883)
Finance	400,000	1,138,582	(738,582)
Foundation	-	161,208	(161,208)
Human Resources	-	470,254	(470,254)
Law Clerk Program	207,200	184,130	23,070
Legislative	-	281,300	(281,300)
Legal Lunchbox	29,000	51,696	(22,696)
Licensing and Membership Records	450,900	685,796	(234,896)
Licensing Fees	17,320,499	0	17,320,499
Limited License Legal Technician	20,712	91,840	(71,128)
Limited Practice Officers	202,000	131,982	70,018
Mandatory CLE	1,113,800	915,904	197,896
Member Wellness Program	7,500	233,906	(226,406)
Member Services & Engagement	10,800	390,771	(379,971)
Mini CLE	-	110,349	(110,349)
New Member Education	67,000	99,137	(32,137)
Office of General Counsel	-	1,078,051	(1,078,051)
Office of the Executive Director	-	817,261	(817,261)
OGC-Disciplinary Board	-	315,741	(315,741)
Practice of Law Board	-	88,560	(88,560)
Practice Management Assistance	62,000	213,298	(151,298)
Professional Responsibility Program	-	239,590	(239,590)
Public Service Programs	130,000	527,889	(397,889)
Publication and Design Services	-	123,385	(123,385)
Regulatory Services FTE	-	540,945	(540,945)
Sections Administration	297,786	300,489	(2,703)
Service Center	-	733,618	(733,618)
Technology	-	2,094,122	(2,094,122)
Volunteer Engagement	-	113,992	(113,992)
Total General Fund	22,484,537	23,512,812	(1,028,275)
CLE-Seminars and Products	1,605,300	1,304,088	301,212
CLE - Deskbooks	136,500	280,371	(143,871)
Total CLE	1,741,800	1,584,459	157,341
Total All Sections	688,963	1,017,566	(328,603)
Client Protection Fund-Restricted	595,930	688,630	(92,700)
Totals	25,511,230	26,803,468	(1,292,238)

TO: WSBA Board of Governors
CC: Terra Nevitt, Executive Director
FROM: Alec Stephens, Personnel Committee Chair, At-Large Governor
Glynnis Klinefelter Sio, WSBA HR Director and Chief Culture Officer
DATE: August 23, 2023
RE: Information and Action Requested for Executive Director Terra Nevitt FY23 Performance Evaluation

ACTION/DISCUSSION: Personnel Committee Recommendations for ED FY23 Performance Evaluation for BOG Approval.

The Personnel Committee recommends that the Board of Governors approves the start of the performance evaluation process for Executive Director Terra Nevitt for FY23. Attached is the Evaluation instrument previously approved for the last evaluation, which will be used for FY23. The FY23 Evaluation will be in 2 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.

Section 1 will be completed by the members of the Board of Governors and the Executive Director.

Section 2 will be completed by the members of the Board of Governors, the Executive Leadership Team and the Executive Director.

The details of conducting the FY23 Performance Evaluation will be implemented by the Personnel Committee, with the assistance and advice of the HR Director and Chief Culture Officer, subject to further approval by the Board of Governors.

RECOMMENDED ACTION: APPROVE THE PERFORMANCE EVALUATION PROCESS AND INSTRUMENT OF THE EXECUTIVE DIRECTOR FOR FY23

Evaluators

The Evaluators for the Performance Evaluation Sections are the Board of Governors and Officers, the Executive Leadership Team and the Executive Director as set forth. The Board of Governor and Officers who are no longer on the Board, but served during the evaluation period will serve as evaluators as will the current members of the Board of Governors and Officers. Former BOG members and officers who are evaluators will not participate in Executive Session discussions regarding the results of the performance evaluation unless invited by the Board of Governors. Only the current members of the Executive Leadership Team will serve as evaluators for evaluation period when it is conducted.

RECOMMENDED ACTION: APPROVE THE INCLUSION OF THE FORMER MEMBERS OR OFFICERS OF THE BOARD OF GOVERNORS AS EVALUATORS FOR THE APPLICABLE EVALUATION PERIOD IN ADDITION TO CURRENT MEMBERS AND OFFICERS OF THE BOARD OF GOVERNORS, AND ONLY CURRENT MEMBERS OF THE EXECUTIVE LEADERSHIP TEAM. FORMER MEMBERS AND OFFICERS OF THE BOARD OF GOVERNORS ARE NOT INCLUDED IN EXECUTIVE SESSION DISCUSSIONS OF THE EXECUTIVE DIRECTOR PERFORMANCE EVALUATION UNLESS EXPRESSLY INVITED BY THE BOARD OF GOVERNORS.

Specific Goals

The Personnel Committee may, in consultation with the Executive Director, add specific goals which may be developed on an ad hoc basis, or flowing from the Strategic Goals established by the Board of Governors. The Personnel Committee received and approved goals suggested by the Executive Director. Specific goals may be added by the Personnel Committee in consultation with the Executive Director for the performance evaluation in FY 24 or subsequent years. Such goals, if added would be evaluated by the BOG and the Executive Director.

This report establishes a continuous and consistent approach to performance evaluations now and in the future. The subject is the Evaluation of the Executive Director. Based on the subject, none of the Analyses below (WSBA Risk Analysis, Fiscal Analysis, or Equity Analysis) apply as this is a required and defined activity, important to the Board of Governors’ duties and a required element of the hiring contract of the Executive Director.

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

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

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

Attachments

Sample Performance Evaluation Instrument (highlighting and red added to call attention to key elements).

Introduction

WSBA Executive Director Performance Review

Thank you for taking the time to complete this performance assessment of Terra Nevitt, the WSBA Executive Director, for the **review period of October 2022 - September 2023**

Q1: 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
- I am an ELT Member

Overview

The ***Executive Director Performance Review*** has the following 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

NOTE: ONLY THE BOG & ED RESPOND TO THIS SECTION

Q2: 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: [Comment Box]

Q3: 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: [Comment Box]

Q4: 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: [Comment Box]

Q5: 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: [Comment Box]

Q6: 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: [Comment Box]

Q7: Do you have additional observations regarding Terra's progress/performance in the context of these or other *Goals, Responsibilities and Projects*?

- Observations: [Comment Box]

Section 2 – Knowledge, Skills, and Abilities

NOTE: THE BOG, ED AND ELT RESPONDS TO THIS SECTION

Q8: Strategic Thinking

Terra 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: [Comment Box]

Q9: Leadership

Terra 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: [Comment Box]

Q10: Problem Solving

Terra 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: [Comment Box]

Q11: *Communication*

Terra 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: [Comment Box]

Q12: *Political/Organizational Savvy*

Terra 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: [Comment Box]

Q13: *Promoting Diversity, Equity, and Inclusion*

Terra 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: [Comment Box]

Q14: Do you have additional observations regarding Terra's progress/performance in the context of the **Knowledge, Skills and Abilities** in this section?

- Observations: [Comment Box]

Q15: Do you have additional observations regarding Terra's progress/performance in the context of her ED Goals?

- Observations: [Comment Box]

Thank You

Q16: Any final thoughts for Terra?

- Observations: [Comment Box]

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 FY23 review period. Using it will prevent you from adding more responses/content.



LEGAL FOUNDATION

OF WASHINGTON

**2022 ANNUAL REPORT TO THE
WASHINGTON SUPREME COURT**

May 17, 2023

The Board of Trustees of the Legal Foundation of Washington report annually to the members of the Washington Supreme Court pursuant to Rule 15.7(a) of the Rules for Enforcement of Lawyer Conduct, which provides that:

The Foundation shall prepare an annual report to the Supreme Court of Washington that summarizes the Foundation's income, grants and operating expenses, implementation of its corporate purposes and any problems arising in the administration of the program established by section (c) of this rule.

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FOUNDATION OPERATIONS

The Legal Foundation of Washington has been in operation since 1984. LFW's Articles of Incorporation, Article VII, provides for a nine-member Board of Trustees to maintain oversight of LFW's activities. Trustees serve staggered three-year terms and are eligible to serve a second three-year term. The Supreme Court, the Governor, and the Board of Governors of the Washington State Bar Association each appoint three of the nine Trustees.

Governance

Our 2022 Board of Trustees were:

President: Candelaria Murillo, Kennewick attorney

Vice-President: Sean M. Davis, Seattle attorney

Secretary: Juli Farris, Seattle attorney

Treasurer: Gary Melonson, Seattle wealth management advisor

Joanna Plichta Boisen, Seattle attorney

Hon. Kristin Ferrera, Chelan County Superior Court

Michael Pontarolo, Spokane attorney

Fred Rivera, Seattle attorney

Michael Sprangers, Seattle attorney

The Board of Trustees met five times during 2022

February 11, 2022 (Virtual) – Board meeting and Annual Goldmark Award Luncheon

May 4 2022 (Virtual) – Board meeting and Annual Report to the Washington Supreme Court

September 22, 2022 (Virtual) – Board meeting

November 18, 2022 (Virtual) – Board meeting to determine annual grants

December 16, 2022 (Virtual) - Board Planning Retreat

Board Committees

LFW's stewardship of its mission was carried out during 2022 through service on six regular Board committees. Their responsibilities were as follows:

- (1) **Executive Committee**, chaired by President Candelaria Murillo and composed of the four Board officers. Provides guidance when the full Board is not available.
- (2) **Audit Committee**, chaired by Treasurer, Gary Melonson and oversees the annual audit in accordance with nonprofit best practices.
- (3) **Finance Committee**, chaired by Treasurer, Gary Melonson. Responsible for the operating budget, LFW's depository banking relationship, and its investments.
- (4) **Grants Committee**, chaired by Vice President, Sean Davis. Reviews annual grant applications and makes recommendations to LFW's Board of Trustees concerning all grant issues.
- (5) **Goldmark Award Committee**, chaired by Vice President, Sean Davis. Selects the recipient of the Charles A. Goldmark Distinguished Service Award and plans the annual Goldmark Award Luncheon.
- (6) **Goldmark Internship Committee**, chaired by Joanna Plichta Boisen. Selects the recipient of the Goldmark Equal Access to Justice Internship and the program where the intern is placed.

FISCAL ADMINISTRATION

Summary of 2022 LFW Income, Operating Expenses, and Grant Obligations

2022 Income

Net Interest on IOLTA Accounts	\$5,985,747
Investment Losses (<i>realized and unrealized</i>)	(1,810,302)
Office of Civil Legal Aid	3,494,000
Contributions & Grants	2,826,196
COVID-related Grants	2,244,748
Cy Pres Awards	2,478,493
Total Revenues	\$15,218,882

2021 Operating Expenses and Grant Obligations

Grants Awarded	\$970,999
COVID-related Grants & Expenses	2,201,643
Other Program Support Expenses ¹	974,132
Administration & Fundraising	1,102,561
Total Expenses	\$5,249,335

¹ Other Program Support Expenses include Case Management Software Fees, Pro Bono Support and Grantee Malpractice Insurance and Interpretation Services, as well as LFW program staff.

Staffing LFW's financial operations are Nancy Smith, CPA, MBA, and Kay Acholonu, Staff Accountant. Gary Melonson served as Treasurer in 2022 and chaired the Finance

Committee which – along with LFW's Board of Trustees – provided oversight of the budget, investments, and financial reports.

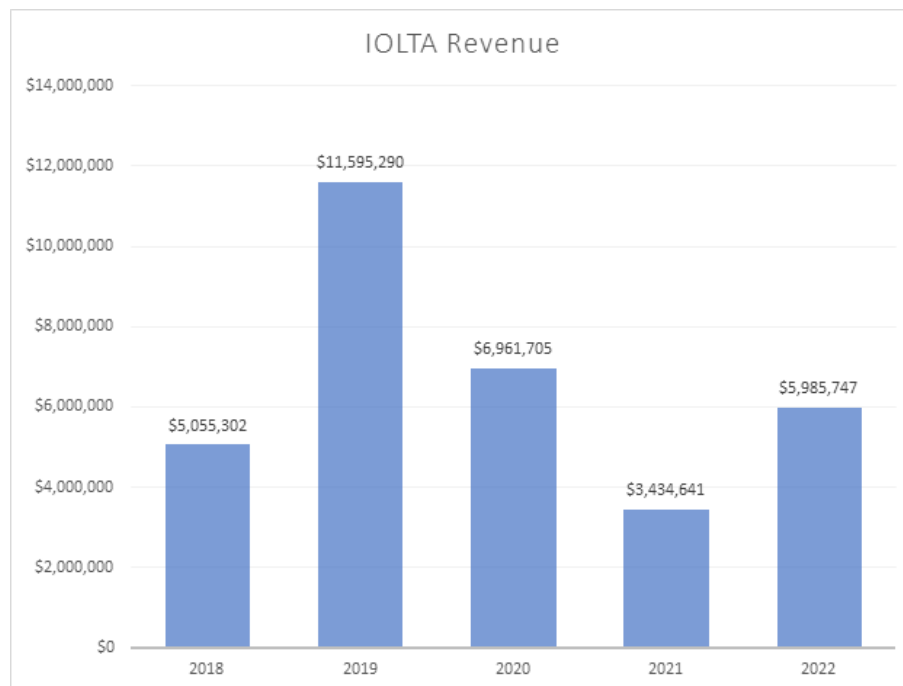
Audit

Clark Nuber, PS, provided an independent audit of LFW’s financial statements and issued an unmodified (“clean”) opinion for 2022. A copy of the final audit report is included at *Attachment A*.

In addition, Clark Nuber, PS provided a “Single Audit” as required by the Uniform Guidance that applies to recipients of Federal awards in excess of \$750,000. The audit resulted in no “findings” of weaknesses or deficiencies.

IOLTA

The IOLTA (Interest on Lawyers Trust Accounts) program consists of Lawyers, Limited Practice Officers (LPO), and Limited License Legal Technicians (LLLT) holding IOLTA accounts. IOLTA revenue (net of fees) for 2022 was \$6M, a 74% increase from the previous year.



There are 84 financial institutions handling IOLTA accounts in Washington state. The interest rates on IOLTA accounts range from .01% to 2.81%. 73% of the financial institutions do not charge fees on IOLTA accounts. The top five financial institutions, Bank of America, Key Bank,

Wells Fargo Bank, First American Trust, and Columbia Bank made up 78% of IOLTA revenue for 2022.

The interest rate that a financial institution pays on IOLTA accounts must be comparable to the rates they offer on similar business accounts, unless the institution chooses the safe harbor rate pegged to the Fed Funds rate. After three years of keeping its benchmark interest rate near zero, in March 2022 the Federal Reserve raised the interest rates to .25% to .50%; more increases followed with interest rates at their highest, 4.50%, at the close of 2022. LFW closely monitors the movements in the Fed Funds rate, as well as the IOLTA rates. Due to the Fed's increase in interest rates, LFW has seen interest rates increase on IOLTA accounts from the financial institutions.

Other Revenue Sources

In addition to IOLTA, LFW is fortunate to have other revenue sources from which to draw. The Campaign for Equal Justice raises private charitable support for civil legal aid. A more detailed account of their success follows later in this report; we are very grateful for the funds raised from the legal community in our state.

In 2022, the Endowment for Equal Justice made its sixth annual grant award to LFW. The \$1,000,000 grant from the Endowment will be used to help fund grants that will be distributed to our grantees in 2023.

Through our funding partnership with Northwest Justice Project and Office of Civil Legal Aid, \$3.5 million in state funding was passed through to our grantees that did state-eligible work during 2022.

Thanks to the Supreme Court's adoption of our proposed amendments to Court Rule 23 in 2007 and 2017, *cy pres* awards continue to be an important source of revenue for civil legal aid. In 2022, we received *cy pres* awards totaling \$2,478,493.

COVID-related Grant-Making Opportunities

As an experienced grant-maker to organizations that strive to meet the needs of some of the most vulnerable, LFW was given the opportunity to administer special funding related to COVID-19 relief. Funded primarily by the Federal government as part of the Coronavirus Relief Fund and the Coronavirus State and Local Fiscal Recovery Fund, LFW worked with OCLA and the King County Department of Community and Health Services.

Stabilizing Grants for the Future

When LFW experienced a surplus in 2019, the LFW Trustees undertook a project to structure cash reserves in such a way to provide for immediate short-term needs, a one to three-year near-term reserve, which would complement the already-existing Goldmark Fund (the reserve of last resort). The Trustees felt that it would be prudent to set aside these resources to help buffer future declines in IOLTA.

GRANTS OVERVIEW

In 2022, LFW invested **over \$13 million in grants** in Washington’s legal aid system, including over \$2.5 million in COVID-19-related emergency grants in partnership with King County and the Office of Civil Legal Aid. As a result, **over 27,000 families received free one-on-one legal services** for help with urgent legal concerns and **hundreds of thousands benefitted from systemic advocacy** designed to address oppression, injustice, and root causes of poverty.



The State Plan for the Coordinated Delivery of Civil Legal Aid to Low-Income People continues to act as the keystone for LFW’s work, both internally and externally. Our grantmaking strategy focuses on the State Plan’s unified goals of race equity, legal education and awareness, access for underserved communities, holistic client-centered services and systemic advocacy.

Continued COVID-19 Response

In 2022, LFW completed a third year of providing enhanced COVID-19-related support and resources to legal aid providers across the state. Equity of access to civil justice is central to our state’s recovery from COVID-19, as the populations already disproportionately harmed by civil legal issues have been the hardest hit by the pandemic.

LFW partnered with King County to allocate \$2 million in Federal American Rescue Plan Act funding to legal aid programs serving low-income households affected by the ongoing impacts

of the COVID-19 pandemic. Thirteen legal aid providers received grants focused on: increasing access to civil legal aid among King County residents facing civil legal situations as a result of COVID; decreasing the backlog of civil legal aid cases, including immigration, left unprocessed due to court closures during the pandemic; and ensuring timely access to benefits necessary to meet basic needs for those who lost jobs due to COVID and were denied benefits due to shifting eligibility requirements.

LFW also partnered with the Office of Civil Legal Aid to distribute over \$500,000 in funding for legal aid services related to pre-eviction work that falls outside the scope of the new Right to Counsel for evictions. These legal services are an essential component to supporting families facing housing instability before they receive a formal eviction notice.

Equitable Grantmaking Practices

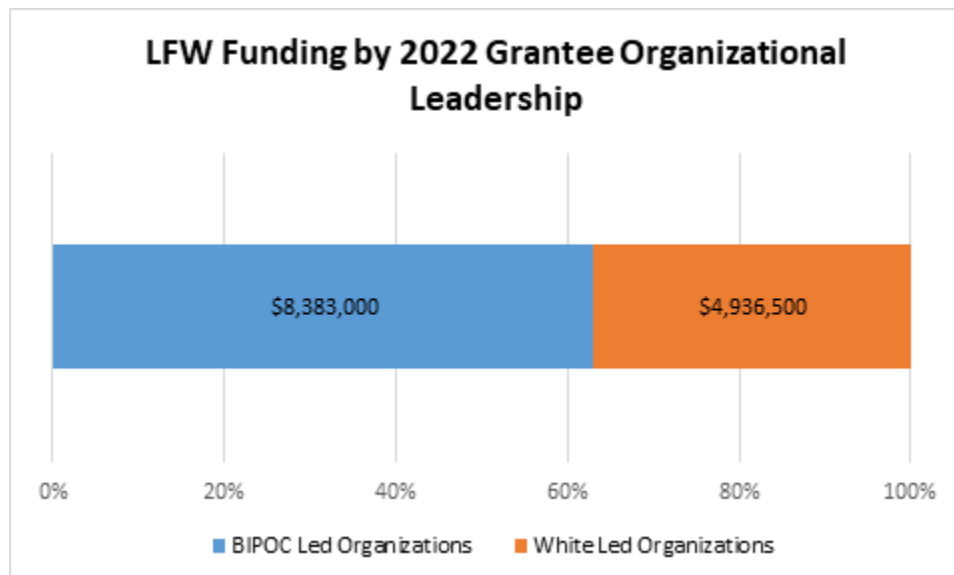
Racial equity in the civil legal system is essential to LFW's vision of "justice for all." As a foundation, we play a unique role in advancing this work. The system of philanthropy and grantmaking has the power to resource communities or deepen inequities with its decisions. This is why LFW applies a race equity lens to all of our practices, grant analysis, and allocation of resources.

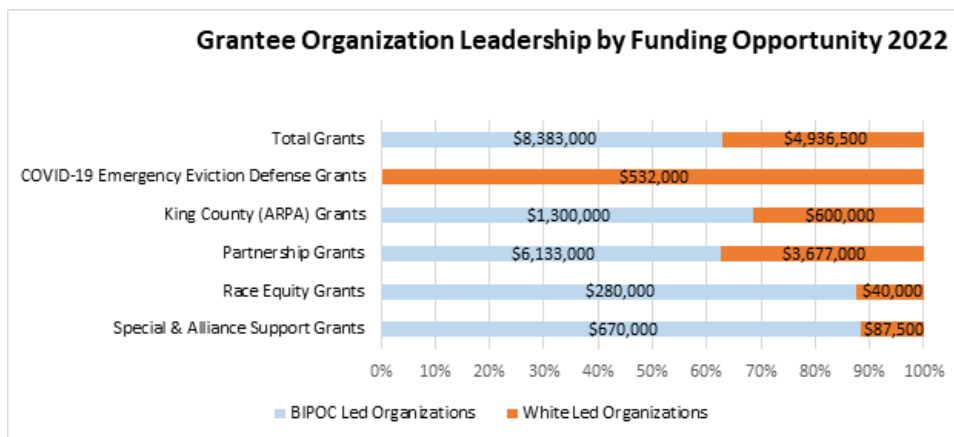
Our primary objective over the last year has been to apply our learning about racial justice and equitable grantmaking to create meaningful change and ensure we are living our values as an organization dedicated to anti-racism.

Actions we've taken in 2022 include:

- ***Expanding our multi-year grantmaking*** to include both Partnership Grants and Race Equity Grants. Providing multiyear general operating funding is a hallmark of equitable practices according to many leaders in the sector, including the National Committee for Responsible Philanthropy, the Trust-Based Philanthropy Project, Grantmakers for Effective Organizations (GEO), and the Philanthropic Initiative for Racial Equity.

- ***Growing our language access program*** to include all grantees. Now grantees receiving Race Equity Grants and Accelerator Grants can use the LFW-funded Voiance telephonic interpretation service as part of our practice of providing “support beyond the check.”
- ***Improving the terminology used for client demographics*** in LegalServer to better reflect how clients self-identify. This was a collaborative project with Northwest Justice Project, the Pro Bono Council, and numerous other legal aid providers across the state. It culminated in a technology reboot and training for providers.
- ***Creating a responsive grant opportunity, the Accelerator Grant***, focused on advancing impactful time-sensitive civil justice work. A central part of this grant’s launch was to increase transparency about the grant criteria and evaluation process and to prioritize communities historically under resourced by civil legal aid.
- ***Continuing to analyze our foundation’s support to BIPOC-led organizations and interrogate discrepancies across our grant opportunities.*** This includes looking for disparities between applicants and funded programs, exploring differences within our grant program portfolio and taking action to remedy those imbalances. For example, we have found that BIPOC-led organizations are less likely to tap into support LFW provides to grantees “beyond the check.” We have begun to address this by creating an informational webinar on the “beyond the check” resources for all grantees and have reached out individually to programs that have not previously used these resources to provide more information and support.

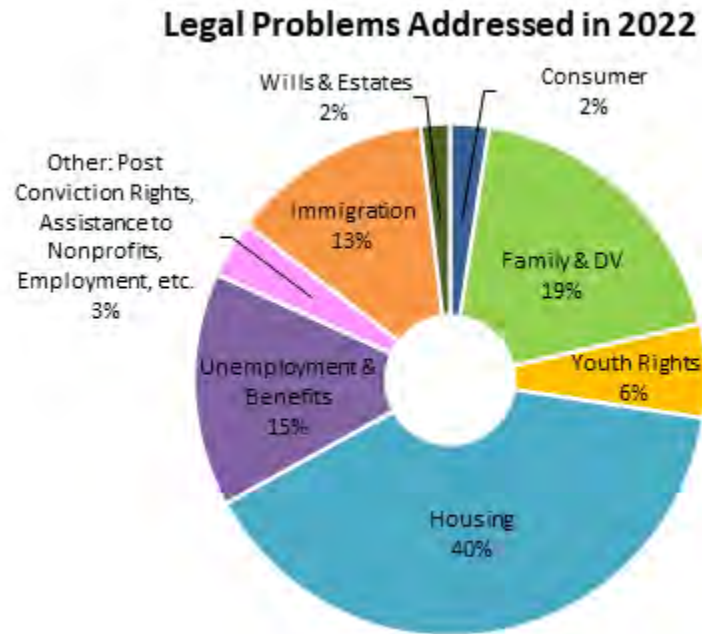




We recognize that developing a robust equity practice is an ongoing process. Each step along the way requires research, reflection, and analysis to ensure we are considering the complexities of the issues we are trying to address. Fortunately, we are not alone in the work and there is a wealth of information and resources we have been able to tap into from our Alliance partners and grantmaking peers. We look forward to applying an authentic racial equity lens to our work as we continue to deepen our approach in years to come.

Measuring the Impact of Legal Aid Funding

In 2022, LFW funded programs provided direct legal help to over 27,000 individuals and families. The chart below shows the types of legal problems that were addressed. With Right to Counsel for eviction services being provided statewide in 2022, it's no surprise that closed housing cases increased from a little over 5,000 in 2021 to over 9,000 in 2022. Family law, immigration, unemployment and services related to public benefits continue to be critical legal issues for low-income people in Washington. Two additional areas of legal problems that saw an increase from 2021 are consumer related services and wills and estates.



In addition to these individual cases, LFW grantees used systemic advocacy to secure legal rights for **hundreds of thousands of vulnerable people** in our state. For example, Columbia Legal Services (CLS), the recipient of LFW's largest grant, has continued to focus 2022 efforts on systemic advocacy and policy work.

During the short 60-day legislative session, successes included:

- A commitment to providing health coverage for all low-income Washingtonians, regardless of immigration status. The supplemental budget includes funds to begin implementing a Medicaid-equivalent program for people who cannot otherwise qualify for Medicaid due to their immigration status. CLS expects this program to cover more than 100,000 low-income, uninsured immigrants in Washington.
- The signing of HB 1412, building on the laws reforming legal financial obligations (LFOs). The bill gives judges the discretion to waive certain LFOs for those who can demonstrate an inability to pay them.

Systemic change takes time and requires an ongoing and intense commitment to see the progress through, as was the case with the class action litigation in *Braam v. Washington*. After more than two decades of CLS fighting for the protection of children exposed to risk and harm in the foster care system, in 2022 the state met the final benchmark in the settlement

agreement, officially ending the seminal case. Benchmarks included decreased placement changes, keeping siblings together, monthly health and safety visits, smaller caseloads, annual mental health and substance abuse screenings, investigations of any referrals that allege abuse or neglect, and better support for caregivers.

CLS concluded two other complex litigation cases in 2022, one ending solitary confinement of youth in the King County Jail and the other reforming solitary confinement practices in state youth facilities. CLS also continues to advocate for farmworker rights. *Attachment B* includes an English and Spanish poster detailing agricultural workers’ rights when working in extreme outdoor heat.

Demographics and Accessibility

Legal aid programs continue to prioritize accessible services, particularly to communities experiencing numerous systemic barriers. The following chart shows the race/ethnicity breakdown of clients served by LFW Partnership Grantees in 2022.

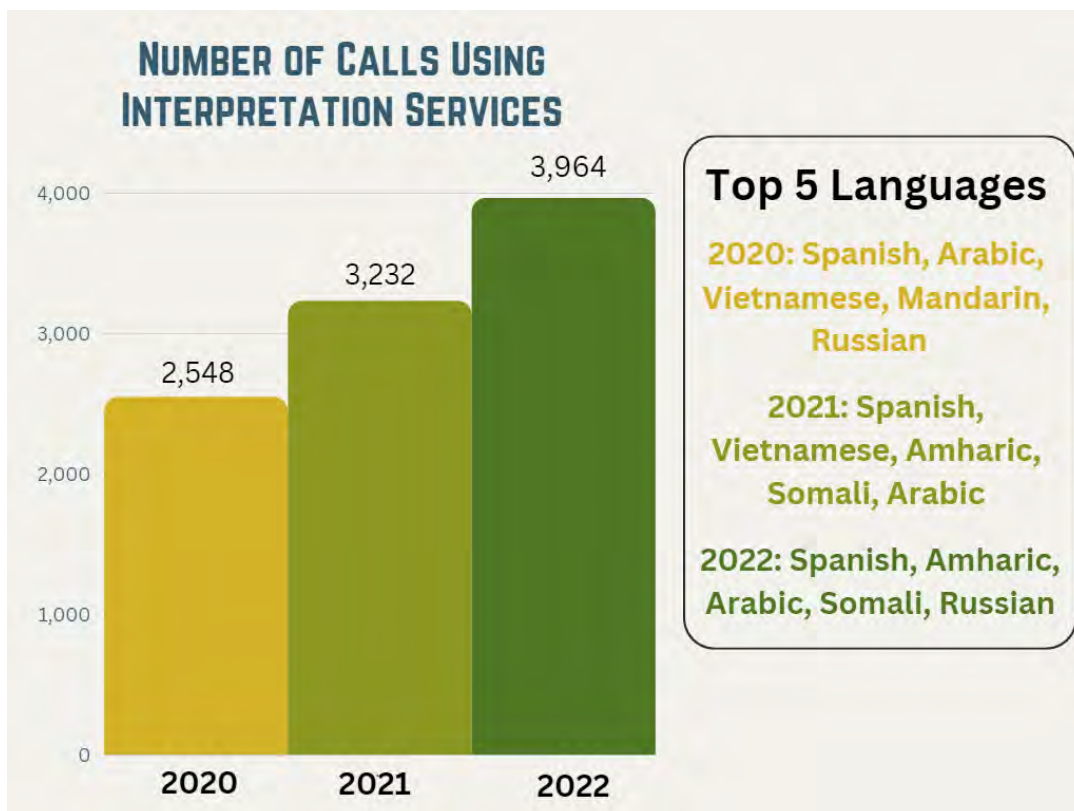
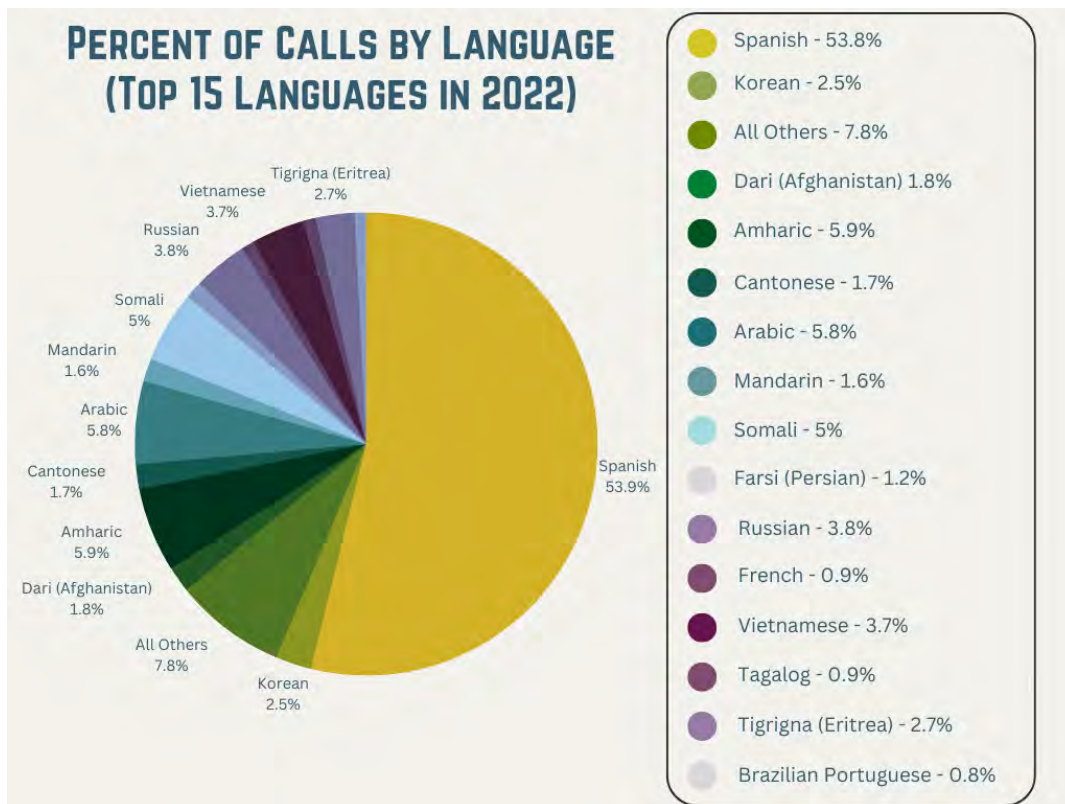


As mentioned in the Equitable Grantmaking section, legal aid partners collaborated to update the terminology used for client demographics in LegalServer and to allow intake professionals to write in applicants' responses to align with how people self-identify. Multiple community meetings were held to review the proposed changes and feedback was incorporated into the final updates in LegalServer.

Language access and interpretation are also essential components to providing equitable legal aid. In 2022, LFW continued our support for language access, funding numerous outreach efforts in multiple languages, including translation of brochures, documents, and even online intake forms.

In 2022, legal aid clients received direct one-on-one legal services in over fifty languages using bilingual attorneys, in-person interpreters, and telephonic interpretation. LFW funds a phone interpretation service for grantees, which was used for over 84,162 minutes of interpretation this past year. This represents a 17% increase from the previous year and a 62% increase from 2020. The most requested languages for phone interpretation were Spanish (2,132 calls), Amharic (232 calls), Arabic (229 calls), Somali (197 calls) and Russian (150 calls). We've seen a particularly large increase in languages other than Spanish over the last two years: Amharic (133 to 232), Arabic (163 to 229) and Dari (Afghanistan) (14 to 73).

The following charts show the languages most frequently utilized for phone interpretation in 2022 and total calls for the past three years:

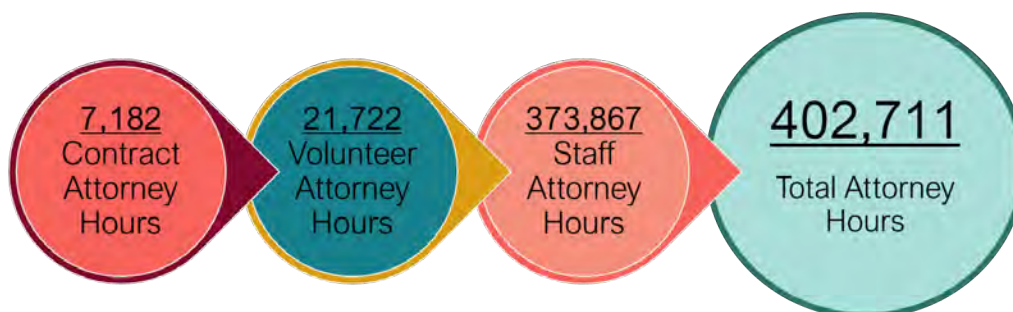


Attorney Services

Across Washington, civil legal aid providers offer legal assistance from a mix of volunteer, staff and contract attorneys. In 2022, over 1,600 individual attorneys volunteered their time with LFW grantees. Attorneys provided free legal assistance through virtual clinics, in-person services and hybrid models. The following chart shows a breakdown of volunteer hours by legal aid program in 2022:

Organization	2022 Volunteer Hours
Benton Franklin Legal Aid	832
Blue Mountain Action Council	201
Chelan Douglas County Volunteer Attorney Services	435
Clallam-Jefferson County Pro Bono Lawyers	652
Clark County Volunteer Lawyers Program	1,132
Columbia Legal Services	153
Communities Rise	312
Cowlitz Wahkiakum Legal Aid	171
Eastside Legal Assistance Program	675
King County Bar Association	6,000
Kitsap Legal Services	417
Legal Assistance by Whatcom (LAW) Advocates	141
Legal Counsel for Youth and Children	112
Northwest Immigrant Rights Project	3,500
Skagit Legal Aid	353
Snohomish County Legal Services	825
Spokane County Bar Association Volunteer Lawyers Program	2,507
Tacomaprobono Community Lawyers	1,700
TeamChild	140
Thurston County Volunteer Legal Services	1,000
Unemployment Law Project	135
Yakima County Volunteer Attorney Services	470
Total	21,722

In addition to pro bono volunteers, legal aid programs expanded their staff and contract attorneys to provide more legal services to clients in need. The total attorney hours in 2022 dedicated to legal services to clients exceeded 400,000 hours. This chart shows the breakdown by type of attorney:



Client Stories

Client numbers represent the real-life stories of thousands of individuals and families whose lives have been dramatically impacted by LFW grants. The following client stories are examples of legal aid making a difference for low-income people in Washington:

- ❖ **Northwest Immigrant Rights Project (NWIRP)** represented a family of asylum seekers (mother, father, and a 4-year-old child) in their removal proceedings:

The family had experienced persecution and grave threats to their lives and freedom in multiple countries, and they had come to the U.S. through the southern border in the summer of 2021 to seek protection. Their case was placed on the new "dedicated docket," which meant their case would be adjudicated on an expedited schedule. The mother was a prominent athlete in Cuba who had long opposed the oppressive dictatorship of the Communist Party, and who had fled her country in search of freedom. The father was a native of Colombia, who had been repeatedly targeted and persecuted by the infamous Colombian paramilitary forces as a result of his continued resistance and opposition to the group. After fleeing their respective countries, the couple met in Brazil and sought to build a new life there. In 2017, they had a son

together. However, the Colombian paramilitary forces had a strong presence throughout South America, and in 2020–21, the father—and, by extension, his family—became their target once again. After experiencing multiple threats to their lives, the family ultimately decided to flee Brazil and seek protection in the United States. With NWIRP's representation, the clients were recently granted asylum. After years of trying to escape oppression, persecution, and violence, the family has finally found peace and safety here in the United States.

❖ “David”* a **Benefits Law Center** client:

For all of his adult life (until recently), David has been homeless. He was shuffled around the foster care system, and experienced trauma and abuse. David has multiple physical and mental health impairments, including, PTSD, Depression/Bipolar Disorder, learning disability, back injuries, and a club foot. David was also a client of DESC SAGE, and is a good example of our partnership with them, as their caseworkers and providers helped him through this process as well. David's Social Security disability claim was denied and ultimately went to hearing. The ALJ agreed that Consultative Exams should be ordered in David's case. When David was finally able to attend the exam, the BLC advocate wrote a supplemental brief and attended a supplemental hearing. He received a fully favorable decision in August 2022 and finally was in pay status. in October 2022. He just now received the first installment of his backpay in January 2023. His full backpay should be approximately \$30,000. Now, DESC has found him housing. He is very happy as his apartment has all he needs, everything is within walking distance, including his doctors, food, shopping, and his apartment even has a pool. David has suffered a lot but has worked hard to overcome addiction issues and seek mental health care.

**Client name has been changed to preserve confidentiality.*

2022 One-Time Special Grants

In 2022, LFW made five targeted One-Time Special Grants to address critical issues. These grants included: \$40,000 to Colectiva Legal del Pueblo, \$40,000 to Lavender Rights Project, \$25,000 to Living with Conviction, \$25,000 to Northwest Health Law Advocates in partnership with Washington State Immigrant Solidarity Network, and \$25,000 to QLaw Foundation.



2022 Race Equity Grants

LFW's Race Equity Grants provide multiyear funding to advance racial justice in civil legal aid and build power in communities most impacted by structural racism and oppression. We use a participatory grantmaking model designed to center the voices of communities most impacted by grantmaking decisions. An advisory panel of community leaders who have lived experience with the legal aid system, poverty, and racism review grant applications and prioritize the projects that will be most impactful.

Since the Race Equity Grant program's inception, 71% of awards went to BIPOC-led organizations and half were first-time grantees with LFW. The program also reflects LFW's statewide reach: 51% percent of grantees work statewide; 17% focus on Central and Eastern WA; 16% percent serve the Puget Sound region, and 16% cover other areas in WA.

In 2022, LFW received 30 eligible proposals totaling \$1.2 million in requested funds. After a rigorous review process by the advisory panel, LFW awarded eight grants. Funded organizations included: Access to Justice Board (Washington State Bar Association), Global Rights Advocacy,

National Association for the Advancement of Colored People (NAACP) – Vancouver, Nuestra Casa, Our Sisters’ House, Seattle Clemency Project, Tenants Union of Washington State, and Washington Low Income Housing Alliance. A report highlighting the first four years of the Race Equity Grant program is provided at *Attachment C*.

2022 Alliance Support Resources

In addition to direct grants to organizations, LFW supports our network of grantees by paying for shared resources to streamline operations and maximize their impact. In 2022, this included \$45,000 to JustLead to subsidize their year-long leadership academy, race equity trainings tailored to individual programs, and statewide equity work. LFW also provided about \$38,000 for professional liability insurance to cover volunteer attorneys around the state, \$102,000 for the shared case management system LegalServer, and \$96,000 for language interpretation services for all of our grantees. In addition, we made \$42,000 in Grantee Support funds available to grantees for technology, training, and unexpected costs.

2023 Grant Awards Determined & Accelerator Grants Launched

In November 2022, the LFW Board of Trustees met and awarded grants in the New Accelerator Grant program. On-going funding for the year included Partnership Grants which entered the second year of their two-year grant term and will disburse \$9.8 million in 2023, and Special grants for Northwest Justice Project and the Laurel Ruben Farmworker Justice Project. A table showing all LFW grant awards is available in Attachment D.

For many years, LFW offered a One-Year Special Grant program. These grants funded timely projects that fell outside of the scope of long-term Partnership Grants. While this grant program was a valuable resource to the legal aid community, LFW continued to receive feedback that the intention of the program was unclear to applicants. To make the purpose of the grant clearer, LFW changed the name to Accelerator Grants this year.

Accelerator Grants are one-time grants designed to accelerate time-sensitive civil justice work and launch impactful projects. The grants support innovative and responsive initiatives that would benefit from a one-time infusion of funds. Through this grant, LFW seeks to fund civil

justice organizations doing strong anti-racist work, centering historically excluded communities, and impacting long-lasting systemic change. The grants prioritize civil justice work for groups that have been disproportionately under-resourced by legal aid, including:

- Native and Indigenous Peoples,
- clients without lawful immigration status, and
- the civil/criminal divide for re-entry and justice-system impacted individuals.

The LFW board awarded seven Accelerator Grants for 2023:

- **Carl Maxey Center: \$40,000**

Carl Maxey Center is a Black-led organization located in Spokane committed to addressing racial inequities and focused on meeting the needs and addressing the challenges faced by Spokane's Black/African American community. Funds will help launch Spokane's first Racial Justice Help Center & Legal Clinic.

- **CHOOSE 180: \$40,000**

CHOOSE 180 is a nonprofit providing justice-system impacted youth with restorative practices in lieu of traditional prosecution. Their grant will build upon their current scope of programming to pilot an integrated legal aid program in partnership with Legal Counsel for Youth and Children. Legal support services will include individualized legal assistance and group workshops, advising on civil and criminal matters such as eviction rights, immigration rights and criminal law.

- **Disability Right Washington & Look 2 Justice: \$55,000**

Disability Rights Washington's Amplifying Voices of Incarcerated Individuals with Disabilities (AVID) Program in partnership with Look2Justice, a grassroots organization of advocates impacted by Washington State's criminal legal system, is building a peer-driven, self-sustaining, and replicable legislative advocacy training model by and for incarcerated people in Washington State prisons. The legislative advocacy materials and trainings will focus on criminal-legal reform, racial justice in sentencing, and how to advocate with people and legislative committees that are most involved in those issues.

- **El Centro de la Raza: \$45,000**

El Centro de la Raza is serving the needs of undocumented Latinx clients by providing bilingual legal consultations and referrals on an assortment of legal issues, including

immigration and civil legal issues, through in-person clinics at El Centro de la Raza and virtually throughout the state of Washington.

- **Entre Hermanos: \$30,000**

Entre Hermanos is a Latinx LGBTQ+ led nonprofit that identified a need for additional legal services specific to transgender clients. Their grant expands a legal services clinic for low-income Latinx trans immigrants (the majority of whom do not have legal immigration status) to focus on their unique legal needs including name changes and gender changes on identity documents.

- **Lavender Rights Project: \$60,000**

Lavender Rights Project is a nonprofit led by Black trans women and femmes that offers intersectional legal and social services to LGBTQ+ communities in King and Pierce County. Lavender Rights Project is working to stop the deaths of transgender people of color in Washington State through a community-led legal campaign advocating for meaningful policy change to raise awareness and end the mistreatment of people of color within carceral systems.

- **Skagit Legal Aid, the Swinomish Indian Tribal Community (SITC), and Seattle University's Native American Law Student Association (NALSA)** are creating a new sustainable partnership focused on providing high quality civil legal services to SITC members. Through thoughtful and intentional discussions and planning sessions, Skagit Legal Aid and NALSA hosted four legal clinics at the Swinomish Social Services Building in the summer of 2022. They will continue building intentional partnerships with additional local tribal communities in the Skagit Valley by creating a dedicated law clerk position and focused externship with Seattle University for tribal law issues.

Grantee Oversight and Accountability

To ensure that grant funds are being used efficiently and effectively, LFW monitors grantees' operations in several ways. We review narrative reports covering all aspects of grantees' programs, including governance, client outreach, and community collaborations. LFW also reviews client service data via a statewide case management system. We conduct fiscal monitoring and review quarterly financial reports to ensure grantees adhere to accountability standards. For grantees receiving federal funds, we ensure that accounting practices and

reporting meet federal standards. Based on the dollar amount of the grant, LFW also requires that each program submit an annual audit, financial review or other form of financial report. Additionally, LFW visits grantees to evaluate client services delivery, administrative effectiveness, and financial accountability using a set of performance criteria developed by the Access to Justice Board.

EQUAL JUSTICE COALITION

The Equal Justice Coalition is a committee of the Access to Justice Board that is managed and funded by LFW. Its purpose is to advocate for public funding for civil legal aid. Staffed by LFW's Communications and Advocacy Director, the EJC works with contract lobbyists as well as elected officials, Alliance for Equal Justice partners, and stakeholders. Our Chair in 2021-22 was Kirsten Barron; in 2022-23 Kara Masters assumed that role.

State Funding

Despite the limited nature of the 2022 60-day supplemental session, Washington State legislators responded to significant civil justice needs by approving several key new investments.

The Legislature funded an increase of more than \$8 million for programs through the state Office of Civil Legal Aid, including for legal assistance around eviction prevention, the right to counsel in eviction proceedings, domestic violence, and civil relief related to the State v. Blake decision. Additional new funds for legal services include postconviction and reentry assistance and helping cover a shortfall after a federal cut to the Victims of Crime Act, which serves survivors of domestic violence and others through several legal aid programs and community organizations in Washington.

Federal Funding

The EJC's traditional spring effort in support of maintaining and expanding federal Legal Services Corporation (LSC) funding did not take place in 2022 as LFW underwent a transition and Alexandra Deas assumed the Communications and Advocacy Director position at the beginning of June. Instead, César Torres, Executive Director of the Northwest Justice Project (the sole state recipient of LSC funding) traveled to D.C. in mid-September 2022 and met with members of the Congressional delegation in conjunction with an LSC conference.

The EJC's 2021 report noted good prospects for the first significant LSC increase in many years after the House of Representatives followed President Biden's lead and approved a historic

\$600 million LSC funding level (a 29% increase). However, the President's FFY-2022 Build Back Better budget blueprint faced severe headwinds, with final action delayed for 6 months (until March 2022, almost a month after the start of the war in Ukraine). In a highly unusual result, the final budget mark for LSC - \$489 million - fell even below the Senate budget approved amount of \$525 million (a 10% increase). This funding level fell far short of even conservative projections, resulting in NJP experiencing a significant federal funding shortfall.

At the end of the 2022, the House passed the Consolidated Appropriations Act, 2023, an omnibus appropriations package for FY2023 that was passed by the Senate and signed by President Biden. The legislation increased spending on domestic programs by around 9 percent and included an increase of almost 15 percent for the Legal Services Corporation. LSC received \$560 million, with \$516 million of that allocated to basic field grants.

Local Funding

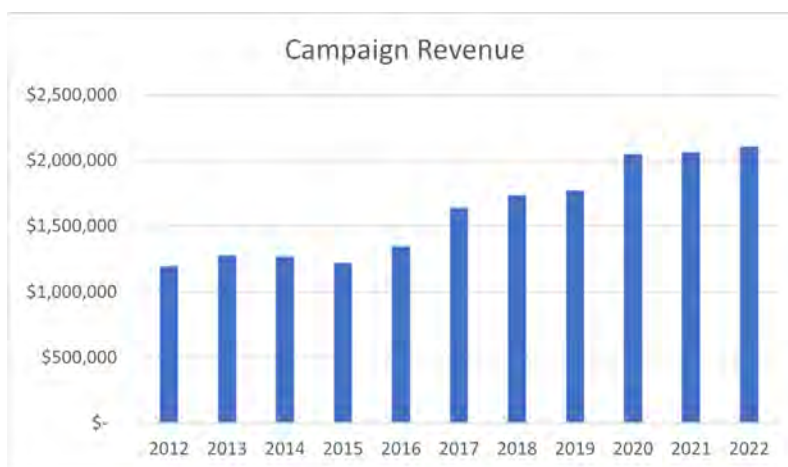
The EJC and local legal aid providers advocated for the King County Executive's eighth supplemental COVID response budget, which included the funds from the federal American Rescue Plan Act, approved by the King County Council. Equity of access to civil justice is central to King County's recovery from COVID-19, as the populations already disproportionately harmed by civil legal issues have been the hardest hit by the pandemic.

In the Fall of 2022, the EJC worked with legal aid providers in King County who receive funding through the King County General Fund to advocate for increased funding for each program. The group successfully advocated for a \$195,638 increase to the amount proposed in the Executive's budget, for a total amount of \$1,429,729.

RESOURCE DEVELOPMENT

Campaign for Equal Justice

The Campaign raised \$1,890,000 in 2022. This represents a decline from the \$2,063,000 raised in 2021 but was forecast as a probable outcome after several years of substantial growth and widespread, post-pandemic changes in donor behaviors. The Campaign has raised over \$34 million since its establishment in 1992. Funds raised benefit civil legal aid and systemic reforms to advance equal justice across Washington state.



In the year to come, we are renewing our commitment to forging lasting, meaningful relationships with our community of donors while seeking new partnerships across the state. We are also undertaking some new endeavors with our corporate campaign: this year's co-chairs are focusing on outreach to corporate counsel whom, in turn, we hope to welcome into our community of dedicated supporters.

Top Campaign Initiatives

Below is a chart outlining the major fundraising initiatives of the Campaign for Equal Justice. As in years past, the Law Firm Campaign and Goldmark Award Luncheon lead in revenue, but 2022 also saw a dramatic surge in revenue generated by the Associates Campaign. The noticeable drop in GiveBig contributions is attributable to a shift in the Campaign's annual fundraising priorities. Rather than engage as fully in this effort as we have previously, we now encourage

our community to channel their GiveBig gifts to our grantee organizations and to give to smaller, partner nonprofits generously.

Annual Appeals	2022	2021	2020
Law Firm Campaign (King & Pierce)	\$ 656,000.00	\$ 670,000.00	\$ 690,000.00
Goldmark Award Luncheon*	\$ 430,000.00	\$ 385,800.00	\$ 400,000.00
WSBA renewal form	\$ 370,000.00	\$ 402,000.00	\$ 178,000.00
Major Donor gifts	\$ 135,000.00	\$ 221,000.00	\$ 161,000.00
End of year appeal	\$ 131,600.00	\$ 142,000.00	\$ 143,000.00
Associates Campaign	\$ 268,000.00	\$ 144,500.00	\$ 87,650.00
GiveBig	\$ 6,175.00	\$ 25,500.00	\$ 70,160.00
Beer & Justice events	\$ 87,000.00	\$ 70,000.00	\$ 42,000.00

**Revenues recorded from the Goldmark Award Luncheon are accounted for slightly differently between our development and finance departments and thus may differ slightly within this report.*

The 2022 Associates Campaign, in only its third year of volunteer-driven fundraising, achieved a total of \$268,000 in donations, representing a more than 300% increase from its initial performance in 2020. This campaign is driven by a community whose commitment to justice equity is as recognizable as their sense of competition is fun-spirited. We want to call out the 2022 Rainmaker and Generous Counsel Cup Awards winner,



Davis Wright Tremaine, LLP, as well as the Amicus Award Winner, K&L Gates, and we thank all of all the firms that took part in the Associates Campaign.

The **2022 Law Firm Campaign** was again an incredible pillar of support, and we thank all the firms and attorneys who share in our mission for justice equity across Washington state. The below image celebrates the participating firms representing our exceptionally generous law firm partners:




Thank You!

LAW FIRM CHAMPIONS

Thank you for supporting civil legal aid and helping us break cycles of poverty for families across Washington.



Ahlers & Cressman	Forsberg & Umlauf	Ladenburg Law	Savitt Bruce & Willey
Alston, Courtnege & Bassetti	Foster Garvey	Lane Powell	Schroeter, Goldmark & Bender
Aoki Law	Gordon Thomas Honeywell	Law Office of Harold Carr	Sebris Busto James
Baker Hostetler	Gordon Tilden Thomas & Cordell	Law Office of Mark C. Wagner	SEED Intellectual Property Law Group
Breskin, Johnson & Townsend	Harrigan Leyh Farmer & Thomsen	Law Office of Rachel Rolfs & Associates	Skellenger Bender
Buchalter	Hay & Swann	Luvera Law	Small, Snell, Weiss & Comfort
Byrnes Keller Cromwell	Helsell Fetterman	Margullis and Ray	Smith Alling
Cairncross & Hempelmann	Herrman Law Group	Mary B Foster, PLLC	Smith Goodfriend
Campbell Barnett	Hester Law Group	McGavick Graves	Snodgrass Annand
Carney Badley Spellman	Hillis Clark Martin & Peterson	McNaul Ebel Nawrot & Helgren	Socius Law Group
Christensen O'Connor Johnson & Kindness	Hilyer Dispute Resolution	MFR Law Group	Stadium Law Group
Connelly Law Offices	Inslee Best	Miller Nash	Stoel Rives
Connor & Sargent	Jameson Pepple Cantu	Montgomery Purdue Blankinship & Austin	Stokes Lawrence
Corr Cronin	Johnson Flora Sprangers	Oseran Hahn P.S.	Summit Law Group
Curran Law Firm	Joyce Ziker Parkinson	Pacifica Law Group	Susman Godfrey
Cutler ADR	Judicial Dispute Resolution	Palace Law	Terrell Marshall Law Group
Davis Wright Tremaine	K&L Gates	Perkins Coie	Teutsch Partners
DLA Piper	Karr Tuttle Campbell	Peterson Wampold	The Nathanson Group
Dorsey & Whitney	Keesal, Young & Logan	Rosato Feldman Luna	Timothy Edwards & Associates
Evergreen Personal Injury Counsel	Keller Rohrback	Pfau Cochran Vertetis Amala	Tousley Brain Stephens
FAVROS Law	Kilpatrick Townsend & Stockton	Polsinelli	Vandenberg Johnson & Gandara
Fenwick & West	Kinsel Law Offices	Preg O'Donnell & Gillett	Wilson Sonsini Goodrich Rosati
Fikso Kretschmer	Krutch Lindell Bingham Jones	Ronald E Thompson PLLC	
Smith Dixon Ormseth			

 **CHAMPIONS OF JUSTICE** Champions of Justice donate \$300 per attorney or \$25,000 or more to fund legal aid in Washington.

Proceeds benefit Legal Foundation of Washington, King County Bar Foundation, and Tacoma-Pierce County Bar Foundation. If your firm isn't listed, email Natalia@legalfoundation.org to join us.





Our popular series of “friend-raising” events, **Beer + Justice**, continues to connect us with donors statewide and after nine successful events in 2022, we are anticipating nine more opportunities to engage with our community in 2023. We hope to see you at one of these events as it suits your calendar.

The **2023 Goldmark Award Luncheon** was an outstanding success both in terms of funds raised and community-building. This year’s event represented our first opportunity to gather in person since 2020, and attendance at this February 17 luncheon drew guests from every corner of the state. Having managed this event online in 2021 and 2022, the 2023 event was hybrid and remote guests joined us from locations as distant as Hawaii. We were moved by the joy of our award winners and the impactful, inspiring words of Keynote Speaker Twyla Carter (The Legal Aid Society) and Goldmark Award Winner Michelle Storms (ACLU-Washington). The Goldmark Award Luncheon benefits both the Campaign and Endowment for Equal Justice.



Endowment for Equal Justice

The Endowment raised approximately \$470,000 in 2022. This amount came primarily from the Voices for Justice fundraising concert and the 2022 Goldmark Luncheon and was higher than the \$422,000 raised in 2021. Most importantly, the EEJ's annual grant disbursement to LFW for 2022 was \$1M.



For the first time in its 22-year history, the Endowment distributed \$1M to the Legal Foundation of Washington, reaching a long time goal as it strives to provide stability and critical unrestricted funds Washington's legal aid network through its annual disbursement.



Endowment Events

In September of 2022, the Endowment held a cultivation event hosted by board member Bruce Brooks. The featured speakers were Jennifer Smith, Executive Director of the Seattle Clemency Project (SCP), and Karlton Daniel, Mentoring Program Director at SCP, which is one of LFW's grantees. The event included multiple Board members who were able to learn about SCP's work in more detail with the goal of becoming closer to the work that they do as members of a fundraising board.

The Endowment also participated in the Bell Harbor Planned Giving Conference to share information about naming the Endowment as a beneficiary in one's will or leaving a bequest. Materials for this conference included a brochure on Legacy Giving that staff members developed alongside planned giving consultant Bill Zook.



The 2022 Voices for Justice Concert was held at Jazz Alley on October 17th, 2022. The concert featured the Paula Boggs Band, jazz trumpeter and composer Thomas Marriott, Seattle youth poet Sah Pham, and Seattle Clemency Project Reentry Navigator Marcus Price. The event was fully in-person and, despite the ongoing pandemic, 125 people attended and the Endowment raised \$75,000. The fourth annual concert will take place in Fall of 2022.

Endowment Strategic Plan

After a year-long planning process, in December 2021 the Endowment Board adopted a Strategic Plan which became operational in 2022. It will serve the Endowment until the start of its new campaign in 2025. In 2022, the Endowment took to further this plan and will continue to move forward with it as its guiding framework.

Purpose and Mission: The Endowment’s purpose and mission is to provide long-term unrestricted funding for Washington’s civil legal aid network by cultivating engaged donors and stewarding their gifts. In accordance with this goal, the Endowment has planned and participated in – both on its own and in coordination with the Campaign for Equal Justice – multiple events. These include the 2022 Goldmark Luncheon, a cultivation event, 2022 Voices for Justice, and the Bell Harbor Planned Giving Conference. These events, whether fundraisers or not, helped the Endowment raise money and increase its visibility. The planned giving conference, for instance, serves to engage community members who may not already know about the Endowment. Events such as these, even if they are not direct fundraisers, increase the Endowment’s presence and thus further its goals.

Ongoing Goals: A few of the Endowment’s ongoing goals include 1) positioning the endowment to grow its endowed fund to at least \$40M by 2030, 2) expanding membership in the Justice Society, and 3) applying a race equity framework to all our work. To accomplish the first goal, the Endowment is planning a capital campaign in

2025 similar to the Reach 20 Campaign. The Endowment took its initial steps toward this capital campaign by hosting cultivation events in 2022.

The Endowment also made progress toward the second goal by increasing Endowment visibility through advertisements encouraging those in the legal community to name the Endowment in their will. In 2022, the Justice Society increased in size by approximately 10 percent.

Lastly, as part of the Endowment's stewardship and race equity goals, the Endowment hosted another visit to Montgomery, Alabama, from March 31st to April 4th of 2022. Thirty participants traveled to Montgomery to further their understanding of the history of slavery in America and its role in laying the groundwork for ongoing systemic racism in America. Activities included visits to the Freedom Rides Museum, the Alabama State Capitol, the Equal Justice Initiative Legacy Museum, and the Civil Rights Trail on the Edmund Pettis Bridge. The next trip to Montgomery will likely take place during Spring of 2024.

RACE EQUITY COMMITTEE

In alignment with the mission of the Legal Foundation of Washington to advance equal civil justice for low-income people and serve those most marginalized and disenfranchised within our legal system, the staff of LFW (Legal Foundation of Washington) formed a race equity committee in 2020, and new staff joined the committee in 2022. The goals of the committee are to organize trainings and educational opportunities for LFW staff and to support internal policy and process changes to further support the larger goals of the Alliance for Equal Justice (AEJ) of advancing racial equity and undoing systemic racism and harm to BIPOC (Black, Indigenous, people of color) communities in our state. In accordance with the [AEJ State Plan](#) for the delivery of civil legal aid and its top goal of promoting and fostering racial equity, LFW continues our work on equity and justice and aims to learn new ways to wield our power as a funder to lift the most disenfranchised people in our communities and continuously become a better community partner.

LFW Race Equity Goals and Actions

In 2022, the staff of LFW has pursued anti-racism trainings with the firm, Epiphanies of Equity LLC, led by ChrisTiana ObeySumner, to continue our work in raising awareness about systemic racial oppression and becoming an anti-racist organization. We have focused on change management, philosophies of change, and theories of change. The staff selected Tema Okun's *White Supremacy Culture* as their Philosophy of Change.

As we embark into 2023, the staff at LFW will begin utilizing this framework and its principles to craft "Mountain Top" goals. These goals will serve as mission-driven milestones, aligned within the organization's work of advancing equal justice for people experiencing poverty in Washington.

In 2022, staff worked with Epiphanies of Equity to commit to these four goals to increase diversity, equity, and inclusion within LFW:

- Create A More Equitable Organizational Culture
- Recruit, Hire, and Retain a Diverse Work Force

- Develop Accountability to Communities of Color
- Secure an Organizational Commitment to Race Equity Work

In 2022, to advance toward these goals, all LFW staff attended five training sessions with Epiphanies of Equity and met monthly as a group to discuss the above goals, report on progress and discuss action steps to advance on each goal. We look forward to continuing this work with the leadership of Epiphanies of Equity in 2023.

We continue to work on next steps for our organization on our goals to increase racial equity internally and keep evolving our impact as a funder of legal aid programs with a focus on serving people most in need of justice and those disproportionately impacted by racism and poverty. Below are some of the actions and updates LFW has undertaken in the past year to advance our race equity goals. Much advancement in our race equity goals is also taking place within our grantmaking program and at the board level. You can learn more about this specific work in the Grants Committee report.

Expanding the LFW Board

Beginning in 2023, LFW expanded its Board to include two new additional at-large members with lived experience and connections to LFW’s mission of “equal civil justice for low-income people.”

Honorarium Policy for Client Speakers

LFW often hosts events featuring legal aid programs and invites speakers connected to the programs to share their stories. In 2022, we created a policy to uniformly compensate all legal aid clients or former clients. This includes but it is not limited to participation in LFW fundraising events, recorded videos, board meetings, and/or conference presentations.

Racial Equity Speaker Series: Let’s Talk About (in)Justice

The Endowment for Equal Justice began a race equity speaker series in 2020 to continue the discussion on racial equity advancement with board members and donors and

continue to raise our education and consciousness on the issues of equity, diversity, and inclusion. This continued in 2022 as a collaborative effort with LFW staff and board members of LFW and the Campaign for Equal Justice.

Race Equity Grant Advisory Panelists

Our race equity grants provide multi-year funding to advance racial justice in civil legal aid and build power in communities most impacted by structural racism and oppression. We use a participatory grantmaking model designed to center the voices of communities most impacted by grantmaking decisions. An advisory panel of community leaders who have lived experience with the legal aid system, poverty, and racism review grant applications and prioritize the projects that will be most impactful. ***The advisory panel is crucial to providing insight into the challenges that Washington’s communities of color face and ensuring that LFW grants connect to those concerns.***

The Advisory Panel typically meets 2-3 times a year. Panelists review about 40-50 online grant applications and meet to discuss grant recommendations. LFW compensates community members for providing their time and expertise. Panelists with lived experience receive a stipend of \$900, and other panelists receive a \$600 stipend. Additionally, to support full participation and equity, we offer panelists with lived experience a one-time technology stipend of \$500 when they join the panel.

Other Race Equity Trainings

In addition to monthly meetings with Epiphanies of Equity, the LFW staff has elected to add more training opportunities, including dedicated coaching sessions with ChrisTiana. In their words: “Coaching can be a place to talk through barriers and concerns, digest training topics and get more clarity, or discuss specific situations where they need more tools to address an issue.” These meetings will be designed for individuals and/or teams within LFW to work on how to apply concepts from the training in their day-to-day work.

Along with coaching sessions, the LFW staff will begin race-based caucusing in 2023. Race-based caucusing will offer a unique opportunity for groups of individuals of the same race to have meaningful, dedicated discussions with the goal of building solidarity and accountability

within and across caucuses. These meetings will be facilitated by ChrisTiana and will comprise of a monthly meeting and a debrief session for three months in the second half of the year. These sessions are an opportunity for this organization to continue learning and growing towards becoming an anti-racist organization.

Many staff opt to attend training independently of our full group. Here are a few examples of trainings attended by our staff and board:

- Since 2013, seven LFW staff members have completed the JustLead Academy, a year-long fellowship and our eighth participant is currently enrolled in the program. We continue to support and encourage new staff members to apply and learn about transforming organizations to be anti-racist, equitable, and inclusive.
- In August, several LFW staff members participated in the Language Justice Webinar – an online workshop dedicated to advancing language justice in alignment with our mission and values for justice for all. This work calls upon those in the public sector, judiciary and community service centers to shift language justice from the margins of our work to the center, prioritizing the voices of the people who are directly impacted by oppression based on language.
- Board Training – The boards of LFW, Campaign and Endowment came together in 2022 and 2023 for a series of racial equity trainings to ensure our board leadership are continuing education on racial equity and joining staff in our commitment to becoming an anti-racist organization.

Thank you for leading on the topics of racial justice, equity and equal access to justice from your position on our state's highest court. The staff at LFW are dedicated to furthering our understanding of the complexities of systemic racism and injustice, the intersectional roots of equity and inequity and the role of funders within these systems. We remain committed towards our goal of becoming an anti-racist organization and join in community with our legal

aid network of providers, donors, advocates, and funders to fulfill the promise of “justice for all.”

Below are resources on anti-racism and race-based caucusing:

[White Supremacy Culture](#), Tema Okun

[Beyond Empowerment, Beyond Inclusion: A Developmental Strategy to Liberate Everyone](#), Dr. Leticia Nieto

[Caucuses as a Racial Justice Strategy](#)

[Disrupting White Supremacy Culture: Reflection Questions for white people](#)

[BIPOC ED Coalition Washington State: What does equitable funding look like?](#)

[Alliance for Equal Justice State Plan](#)

[Washington Race Equity & Justice Initiative](#)

[So, You Wanna Talk about Race](#), Ijeoma Olou

[How to be an Antiracist](#), Ibram X. Kendi

[White Fragility: Why It’s So Hard for White People to Talk about Racism](#), Robin DiAngelo

[My Grandmother’s Hands: Racialized Trauma and the Pathway to Mending Our Hearts and Bodies](#), Resmaa Menakem

[Me and White Supremacy: Combat Racism, Change the World, and Become a Good Ancestor](#), Layla F. Saad

GOLDMARK EQUAL ACCESS TO JUSTICE INTERNSHIP PROGRAM

The Goldmark Internship Program was created with a gift of matching funds from the Charles and Annie Goldmark Family Foundation in 1992. The purpose of the program is three-fold: to increase legal aid services to low-income people, to encourage law students to consider employment with civil legal aid programs or as volunteers at volunteer attorney civil legal aid programs, and to offer an opportunity for public service employment to outstanding law students.

In the summer of 2022, Goldmark Intern Olivia Angel worked with Fair Work Center's legal clinic. Her report on the experience and the report from Fair Work Center follow.

Goldmark Internship Report

Olivia Angel

October 2, 2022

My internship with the Fair Work Center began virtually in late May before I moved to Seattle for the summer in early June. I was given two projects: one that centered around an ordinance the Fair Work Center was going to propose that would create a system of PTO for domestic workers that would travel with them from job to job and one that would assist pro se claimants in small claims court. I began work on the Domestic Worker project by looking at the resources provided to me and looking at states where such a system had already been created, if not implemented. I added to a spreadsheet that was created to compare the different ordinances in each state to identify trends and strategies for implementation. I then created an introduction to the ordinance that we would propose that outlined reasons the ordinance was needed.

Unfortunately, over the course of the summer, we learned that PTO systems like the one we were attempting to implement were found to be preempted by ERISA.

Prior to this development, however, I had attended a couple of domestic worker meetings where I learned about the work that had been done so far and was able to better understand the needs of domestic workers.

My second project concerned small claims court which can be an avenue for low wage workers whose claims are for less than \$10,000. I looked through law review articles on small claims court generally and then, more specifically, the experience of employment law claims in small claims court. I found that judges were generally unfamiliar with wage and hour law and so would consider cases in the context of contract law which resulted in a harder burden of proof for claimants who oftentimes had no copy of their employment agreement or wage stubs. After researching, I highlighted some ways to improve the process for small claim claimants and started looking at the resources that Washington state provides. I worked with my supervising attorney, Shawn, and the office's paralegal, Henny, to create an outline of the information that we wanted to provide to small claims claimants. I then met with Neil, who more recently worked with small claims claimants to understand how he talks claimants through the process and the information that we typically provide. He provided me with an outline of his process, and I created a checklist based off that and began working through sections at a time.

During my time at the Fair Work Center, I also had the opportunity to attend the opening of a worker center in Yakima, a largely agricultural town in Washington and the site of strikes during 2020 to protest safety conditions. The worker center, called Centro Chinampa, houses three non-profit organizations in one: the Fair Work Center, OneAmerica, and the Washington Immigrant Solidarity Network and its goal is building worker power. It was incredibly moving to watch the community come out to the opening and to hear from those who worked so hard to create it.

In addition to the projects that I was assigned, I also assisted with client intakes, reaching out to potential clients to schedule time for us to go over their situation. These intakes were the most rewarding and the most impactful because they were just grateful that someone was listening to them. While it was incredibly meaningful that something as simple as listening helped them feel heard, it really highlighted how infrequently their stories and experiences are acknowledged. I assisted with approximately five intakes, with issues ranging from sexual harassment, failure to provide sick pay, and failing to pay wages generally. I

researched the unconscionability of certain clauses in employment agreements, the applicability of NLRA protections to worker activities, and assisted in writing a demand letter. Throughout the summer, Jeremiah organized employment and labor law trainings that laid the foundation not only of worker rights and protections at the federal level but at the state and city level as well. It was a great experience to learn from someone who was so knowledgeable about the subject and has worked for many years in that field. I attended a training on e-filings in King County Superior Court as well as many brown bag lunches where I was able to network with other non-profits in Seattle.

I am incredibly grateful for the experiences that I had this summer at the Fair Work Center working with such passionate and approachable people and it would not have been possible without the assistance of the Goldmark Fellowship. My work this summer has affirmed for me that this is the field I want to work in after I graduate from law school in May, serving as an advocate for low-wage workers and helping them build their power.

**FAIR WORK
CENTER**

116 Warren Avenue North · Suite A 507 West Chestnut Avenue Seattle, WA 98109
Yakima, WA 98902

September 28, 2022

–By email only

Kristin Parker
Office Manager
Legal Foundation of Washington
1325 4th Avenue, Suite 1335
Seattle, WA 98101-2509
kristin@legalfoundation.org

Re: Goldmark Intern, Olivia Angel

Dear Ms. Parker,

I am writing to you to provide a report describing the activities and projects completed by our Goldmark Fellow, Olivia Angel, this summer. In brief summary, we appreciated Olivia's hard work this summer; she was a conscientious and diligent part of our team. She did many client intakes for our legal clinic and answered pressing legal questions for us in varying levels of detail as the individual project required. Olivia was a pleasure to have in the office. We very much appreciated your support of her fellowship.

Olivia's ten weeks with the Fair Work Center were busy. Consistent with our practice, and her expressed interest, Olivia was assigned intakes for potential clients that had called our hotline requesting legal assistance. Over the course of the summer, Olivia did the initial intake and prepared intake memoranda for five potential clients. In order to give fellows the opportunity to do detailed fact gathering and analysis, and to allow them to establish stronger rapport with clients, we have fellows take cares from intake through resolution whenever possible. Olivia spoke with workers who were denied sick pay, were seriously harassed at work, or were simply not paid for all the work they did. She stayed with these workers as they were assigned to staff attorneys, providing critical support to those attorneys as they analyzed the workers' claims. In several cases, Olivia helped move the clients through their entire representation by the clinic, ending with brief advice, referral to other organizations, or assistance in filing agency claims. One of her intakes continues as a client with our legal clinic, a testament to the good work she did with the initial contact.

Olivia also worked on a variety of research projects for the legal clinic during her internship which gave her exposure to strategic advocacy tools as well. Olivia provided timely research support for our campaign to establish the right to paid sick time for domestic workers in Seattle. The goals and mission of the coalition were at a critical juncture when Olivia joined our team, and her support of the staff attorney assigned to the coalition was helpful as the group reoriented itself. Olivia also worked on a long term project to streamline and regularize

our practice supporting small claims actions on behalf of workers. For many low-wage workers who cannot afford or find an attorney, small claims court is the fastest way to recover stolen wages. Workers who go to small claims have to navigate the system pro se, which presents many access to justice issues – particularly for immigrant clients and those who do not speak English. Though we cannot appear on behalf of a small claims court plaintiff, we do provide significant support through filing, providing evidence, preparing for hearings, and arguing their case. Olivia put many hours into drafting a client-facing document that explains the basics of the process. We intend to use this as a part of the materials we provide to low-wage workers as we expand our support in this arena across the state.

Olivia also assisted with a variety of short-term projects assigned by attorneys. Olivia attended a Washington Department of Occupational Safety and Health rulemaking with me, aimed at updating the Department's rules around retaliation claims. This administrative advocacy has been a longstanding priority for us, given how much fear of retaliation impedes workers' willingness to pursue even very strong claims. Olivia's insight into the proceedings and comments on our position supported the eventual written comment we submitted. Olivia also assisted attorneys with individual research projects. She was instrumental in developing a client's National Labor Relations Board complaint. Olivia's research confirmed that the client had engaged in protected concerted activity (for which he was fired), entitling him to the protections of the National Labor Relations Act. We subsequently helped that client file a charge with the Board, and our representation of him is ongoing. As more and more workers speak out about workplace abuses we expect to continue to expand our capacity to take on these types of cases in addition to employment law claims.

On the whole, Olivia's internship with us was a great experience. She was a pleasure to have in the office and she worked diligently on every task we assigned her. We believe that she will be a dedicated advocate for vulnerable clients and will be an asset to the legal aid community.

Hosting her as a Goldmark fellow helped us expand our organization's ability to meet the urgent needs of Washington's workers at a critical time. Please don't hesitate to contact me if I can provide any additional information about her time with us.

Thank you,



Legal Director
Fair Work Center & Working Washington

LEGAL FOUNDATION OF WASHINGTON

Financial Statements

For the Year Ended December 31, 2022

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Independent Auditor's Report

**To the Board of Trustees
Legal Foundation of Washington
Seattle, Washington**

REPORT ON THE AUDIT OF THE FINANCIAL STATEMENTS**Opinion**

We have audited the financial statements of the Legal Foundation of Washington (the Foundation), which comprise the statement of financial position as of December 31, 2022, and the related statements of activities, functional expenses, and cash flows for the year then ended, and the related notes to the financial statements.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Foundation as of December 31, 2022, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Foundation and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Other Matter

The financial statements of Legal Foundation Washington for the year ended December 31, 2021 were audited by another auditor who expressed an unmodified opinion on those statements on August 19, 2022

Change in Accounting Principle

As discussed in Note 1 to the financial statements, in 2022 the Foundation adopted new accounting guidance for leases under Topic 842. Our opinion is not modified with respect to this matter.



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Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Foundation's ability to continue as a going concern within one year after the date that the financial statements are issued or available to be issued.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Foundation's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Foundation's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

OTHER REPORTING REQUIRED BY GOVERNMENT AUDITING STANDARDS

In accordance with *Government Auditing Standards*, we have also issued our report dated May 5, 2023 on our consideration of the Foundation's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Foundation's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Foundation's internal control over financial reporting and compliance.

Clark Nuber P.S.

Certified Public Accountants
May 5, 2023

LEGAL FOUNDATION OF WASHINGTON

Statement of Financial Position

December 31, 2022

(With Comparative Totals for 2021)

	<u>2022</u>	<u>2021</u>
Assets		
Current Assets:		
Cash and cash equivalents	\$ 3,323,775	\$ 4,607,817
Investments	20,146,684	19,204,809
Grants receivable	3,573,150	3,084,313
Pledges receivable, current	806,123	636,844
Interest receivable	25,677	2,615
Due from Endowment for Equal Justice	83,419	1,062
Prepaid expenses and other assets	51,161	49,952
Total Current Assets	28,009,989	27,587,412
Pledges receivable, net current portion	333,333	666,667
Right-of-use asset - operating	183,854	
Furniture and equipment, net	47,368	53,656
Total Assets	\$ 28,574,544	\$ 28,307,735
Liabilities and Net Assets		
Current Liabilities:		
Grants awarded	\$ 10,513,750	\$ 20,377,500
Pass-through grant obligations	161,321	128,107
Accounts payable and accrued expenses	100,257	80,208
Deferred revenue	148,531	210,770
Lease liability - operating	140,651	
Deferred rent		39,952
Total Current Liabilities	11,064,510	20,836,537
Lease liability - operating, net of current portion	69,292	
Total Liabilities	11,133,802	20,836,537
Net Assets:		
Without donor restrictions	16,285,958	6,165,687
With donor restrictions	1,154,784	1,305,511
Total Net Assets	17,440,742	7,471,198
Total Liabilities and Net Assets	\$ 28,574,544	\$ 28,307,735

See accompanying notes.

LEGAL FOUNDATION OF WASHINGTON

Statements of Activities
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

	Without Donor Restrictions	With Donor Restrictions	2022 Total	2021 Total
Revenue:				
Net interest income from IOLTA	\$ 5,985,747	\$ -	\$ 5,985,747	\$ 3,434,641
Grants	3,479,671	2,259,077	5,738,748	26,268,711
Contributions	2,474,390		2,474,390	3,280,780
Cy Pres awards	2,478,493		2,478,493	367,049
Goldmark Award Luncheon, net of expenses of \$61,884 in 2022 and \$76,906 in 2021	351,805		351,805	262,169
Investment (loss) income	(1,810,302)		(1,810,302)	950,481
Other revenue (loss)				360,925
Net assets released from restrictions	2,409,804	(2,409,804)		
Total Revenue	15,369,608	(150,727)	15,218,881	34,924,756
Expenses:				
Program	4,159,504		4,159,504	44,127,036
Management and general	583,783		583,783	534,309
Fundraising	506,050		506,050	509,038
Total Expenses	5,249,337		5,249,337	45,170,383
Change in Net Assets	10,120,271	(150,727)	9,969,544	(10,245,627)
Net assets, beginning of year	6,165,687	1,305,511	7,471,198	17,716,825
Net Assets, End of Year	\$ 16,285,958	\$ 1,154,784	\$ 17,440,742	\$ 7,471,198

LEGAL FOUNDATION OF WASHINGTON

**Statements of Functional Expenses
 For the Year Ended December 31, 2022
 (With Comparative Totals for 2021)**

	Program	Management and General	Fundraising	2022 Total	2021 Total
Grant expense	\$ 3,172,642	\$ -	\$ -	\$ 3,172,642	\$ 43,116,427
Salary and related costs	434,936	427,781	336,743	1,199,460	1,229,895
Grantee support	353,711			353,711	347,232
Office and occupancy	72,355	59,132	49,288	180,775	176,025
Professional fees	83,466	46,213	6,047	135,726	122,602
Goldmark luncheon			61,884	61,884	76,906
Information technology	24,755	15,351	19,991	60,097	54,745
Fundraising and outreach			50,603	50,603	45,114
Communications	7,392	357	11,444	19,193	14,511
Board/meetings/conferences	1,789	4,738	1,502	8,029	5,229
Other expenses	8,458	30,211	30,432	69,101	58,603
Total expenses	4,159,504	583,783	567,934	5,311,221	45,247,289
Less expenses netted with revenue on the statements of activities			(61,884)	(61,884)	(76,906)
Total Expenses Included in Expense Section of the Statements of Activities	\$ 4,159,504	\$ 583,783	\$ 506,050	\$ 5,249,337	\$ 45,170,383

See accompanying notes.

LEGAL FOUNDATION OF WASHINGTON

Statements of Cash Flows
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

	<u>2022</u>	<u>2021</u>
Cash Flows From Operating Activities:		
Change in net assets	\$ 9,969,544	\$ (10,245,627)
Adjustments to reconcile net loss to net cash used in operating activities-		
Depreciation and amortization	18,243	16,907
Operating lease liabilities, net of right-of-use assets	(13,863)	
Realized and unrealized losses on investments	(941,875)	739,859
Changes in net assets and liabilities:		
Grants receivable	(488,837)	940,970
Pledges receivable, net	164,055	(1,030,940)
Interest receivable	(23,062)	10,578
Due from Endowment for Equal Justice	(82,357)	(174,199)
Prepaid expenses and other assets	(1,209)	14,397
Grants awarded	(9,863,750)	9,277,678
Accounts payable and accrued expenses	20,049	(2,676)
Deferred rent		(10,839)
Deferred revenue	(62,239)	103,885
Net Cash Used in Operating Activities	(1,305,301)	(360,007)
Cash Flows From Investing Activities:		
Purchase of furniture and equipment	(11,955)	(10,948)
Net Cash Flows Used in Investing Activities	(11,955)	(10,948)
Cash Flows From Financing Activities:		
Net collections (payments) on pass-through grant obligations	33,214	(98,333)
Proceeds from Paycheck Protection Program loan		(189,200)
Net Cash Flows Provided by (Used in) Investing Activities	33,214	(287,533)
Net Change in Cash and Cash Equivalents	(1,284,042)	(658,488)
Cash and cash equivalents, beginning of year	4,607,817	5,266,305
Cash and Cash Equivalents, End of Year	\$ 3,323,775	\$ 4,607,817

See accompanying notes.

LEGAL FOUNDATION OF WASHINGTON

Notes to Financial Statements
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

Note 1 - Nature of Activities and Summary of Significant Accounting Policies

Nature of Activities - The Legal Foundation of Washington (the Foundation) was created at the direction of the Washington State Supreme Court in 1984 to administer the Interest on Lawyers' Trust Accounts (IOLTA) program and other available funds in Washington State. The IOLTA program requires that interest earned on IOLTA accounts be used for tax exempt charitable and educational purposes that are related to the legal profession. Decisions on the allocations of awards for such purposes are made by the Foundation's Trustees.

Lawyers licensed to practice in Washington State and limited practice officers (LPOs) are required to participate in the program if they hold client funds in pooled trust accounts. The Foundation is dedicated to equal justice for low-income persons.

The Foundation funds programs and supports policies and initiatives that enable the poor and the most vulnerable to overcome barriers in the civil justice system. As part of these activities, the Foundation hosts and funds the Equal Justice Coalition, which is a committee of the Access to Justice Board of the Washington State Bar Association. The Equal Justice Coalition's mission is to educate elected officials and the public about the importance of civil legal aid in Washington State.

The Foundation also works closely with the Endowment for Equal Justice (the Endowment). The Endowment raises private charitable support for civil legal aid. This collaboration, described more fully in Note 3, results in greater efficiencies for each organization while working on their common goal of equal access to the civil justice system. The Endowment is legally separate from the Foundation and is audited separately.

The Foundation makes grants to 25 to 35 nonprofit providers of civil legal aid in Washington state each year. These organizations provide services to low-income individuals facing legal problems related to family law, landlord tenant disputes, immigration, and other issues. In 2021, the Foundation's Board decided to make two-year grant awards instead of one-year grant awards to provide stability and certainty for its grant recipients. As these grants are determined to be unconditional, the expense for these grants is recorded at the time of the award, however, the majority of the funding that the Foundation receives to fund these grants is not recognized until the grants are distributed, as the contributions have conditions that are not met until the awards are paid. This variance in timing between expense and revenue recognition results in negative undesignated net assets amount for the year in which the grants are made.

Financial Statement Presentation - The financial statements of the Foundation have been prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP). In the statement of financial position, assets and liabilities are presented on a classified basis, in order of liquidity or conversion to cash and their maturity resulting in the use of cash, respectively.

Basis of Presentation - Net assets, revenues, gains and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, the net assets of the Foundation and changes therein are classified and reported as follows:

Net Assets Without Donor Restrictions - Net assets that are not subject to donor-imposed restrictions. Net assets without donor restrictions include amounts that are designated by the board.

Net Assets With Donor Restrictions - Net assets subject to donor-imposed restrictions that may or will be satisfied either by actions of the Foundation, or the passage of time.

LEGAL FOUNDATION OF WASHINGTON

Notes to Financial Statements
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

Note 1 - Continued

Revenues are reported as increases in net assets without donor restriction unless use of the related asset is limited by donor-imposed restrictions. Expenses are reported as decreases without donor restrictions. Gains and losses on investments and other assets or liabilities are reported as increases or decreases in net assets without donor restriction unless their use is restricted by explicit donor stipulation or law. All donor-restricted contributions are reported as increases in net assets with donor restrictions. When a restriction expires, net assets with donor restrictions are reclassified to net assets without donor restrictions and reported in the statements of activities as net assets released from restrictions.

Net Assets Without Donor Restrictions - Net assets without donor restrictions consist of the following for the years ended December 31:

	<u>2022</u>	<u>2021</u>
Undesignated	\$ 1,518,879	\$ (10,485,770)
Board-designated Goldmark Fund	9,204,702	10,812,466
Board-designated Revenue Reserve Fund	<u>5,562,377</u>	<u>5,838,991</u>
	<u>\$ 16,285,958</u>	<u>\$ 6,165,687</u>

The Goldmark Fund was established in 1986 to hold assets set aside by the Board of Trustees to stabilize grant awards in the event of significant fluctuations in the annual IOLTA or other revenue. Funds may be disbursed only with approval of the Board. Funds are included in the Foundation's investments and are held in a separate investment account.

The Revenue Reserve Fund was established in 2020 to hold assets set aside by the Board of Trustees to provide year-over-year stability to support annual grants and other expenses in the event of significant fluctuations in other revenue. Funds are included in the Foundation's investments and are held in a separate investment account.

Net Assets With Donor Restrictions - Net assets with donor restrictions consist of unexpended contributions restricted for particular purposes or time periods. Net assets with restrictions are transferred to net assets without restrictions as expenditures are incurred for the restricted purpose or as time restrictions are met. Net assets with donor restrictions consist of the following for the years ended December 31:

	<u>2022</u>	<u>2021</u>
Contributions restricted for future grant awards	\$ 680,000	\$ 1,000,000
Contributions restricted for time	<u>474,784</u>	<u>305,511</u>
	<u>\$ 1,154,784</u>	<u>\$ 1,305,511</u>

Cash and Cash Equivalents - For purposes of the statements of cash flows, the Foundation considers all unrestricted highly liquid investments with a maturity on acquisition of three months or less to be cash equivalents. At times, balances exceed federally insured limits.

Investments - Investments are made up of United States Treasury bills and bonds, and mutual funds. Certificates of deposit are stated at cost plus accrued interest, which approximates fair value.

LEGAL FOUNDATION OF WASHINGTON

Notes to Financial Statements
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

Note 1 - Continued

Furniture and Equipment - Furniture and equipment are recorded at cost. The Foundation capitalizes expenditures for furniture and equipment with a cost in excess of \$1,000 that have a useful life of at least one year. Depreciation is computed using the straight-line method over the asset's estimated useful life, generally a period of five years.

Right-of-Use (ROU) Assets and Lease Liabilities - The Foundation determines if an arrangement contains a lease at inception. Operating leases are included in ROU assets and lease liabilities in the balance sheets. ROU assets represent a right to use an underlying asset for the lease term and operating lease liabilities represent the Foundation's obligation to make lease payments arising from the lease. ROU assets and lease liabilities are recognized at the lease commencement date based on the present value of lease payments over the lease term. For leases that do not provide an implicit rate of return, the Foundation uses the risk-free discount rate, determined using a period comparable with that of the lease term from the later of the lease commencement date or implementation date. The ROU asset also includes prepaid lease payments and unamortized initial direct costs and excludes lease incentives. The Foundation has lease agreements with lease and non-lease components which are accounted for as separate components. Lease terms may include options to extend or terminate the lease when it is reasonably certain that the Foundation will exercise that option. Lease expense for lease payments is recognized on a straight-line basis over the lease term. A ROU asset and operating lease liability is not recognized for leases with an initial term of 12 months or less.

Grants Awarded - Grants awarded to others are recorded as an expense and a liability when approved by the Board of Trustees and the grant has been awarded, unless award is conditional. Conditional grant awards are recognized with conditions on awards have been met. There were no conditional grants awarded at December 31, 2022. All accrued grants are expected to be paid in the next two years.

Pass-Through Grant Obligations - Pass-through grant obligations consist of funds received where the donor has designated a certain portion to be passed through to another nonprofit organization. Pass-through obligations are not recorded as revenue or expense by the Foundation. At December 31, 2022, the Foundation expects all funds to be disbursed in the following year.

Deferred Revenue - Deferred revenue consists of sponsorships related to the Goldmark Award Luncheon. Revenue is recognized when the event takes place.

Deferred Rent - The Foundation has entered into an operating lease agreement for its office space, which contains provisions for future rent increases and periods in which rent payments are reduced (abated). For the year ended December 31, 2021, in accordance with accounting principles generally accepted in the United States of America, the Foundation records monthly rent expense equal to the total of the payments due over the lease term, divided by the number of months of the lease term. The difference between rent expense recorded and the amount paid is credited or charged to deferred rent, which is reflected as a separate line item in the accompanying statements of financial position.

Revenue Recognition (IOLTA and Cy Pres) - IOLTA receipts are recognized as revenue when the amount becomes known. Amounts received may vary from year to year due to the amount of funds in IOLTA accounts, interest rates, and bank service charges. IOLTA revenue is shown in the statements of activities net of bank fees of \$78,167 and \$93,363 for the years ended December 31, 2022 and 2021, respectively.

Cy Pres awards (residual funds from class action lawsuits awarded to the Foundation) are recorded when received.

LEGAL FOUNDATION OF WASHINGTON

**Notes to Financial Statements
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)**

Note 1 - Continued

Grants, Contributions, Pledges - Grants, contributions, and pledges are recognized when a pledge or grant is made unless the award is conditional. Conditional contributions and grant revenue is recognized when the conditions are met. Conditional contributions totaled \$0 as of December 31, 2022 and 2021. Pledges and grants receivable from contributions that are expected to be collected within one year are recorded at net realizable value. Pledges and grants receivable that are expected to be collected in future years are recorded at fair value, which is measured at the present value of the future cash flows. The discount is computed using risk-adjusted interest rates applicable to the years in which the pledges and grants are received. Amortization of the discount is included in grants and contributions revenue in the statements of activities. There was no discount recognized at December 31, 2022 or 2021, as management determined that the discount was immaterial to the financial statements as a whole.

Management reviews the collectability of pledges and grants receivable on a periodic basis and determines the appropriate amount of any allowance. The Foundation charges off receivables to the allowance when management determines that a receivable is not collectible. At both December 31, 2022 and 2021, the allowance for doubtful accounts was \$2,000.

The Foundation receives state funding through a grant from the Northwest Justice Project (NJP) (an unrelated not-for-profit organization) and a grant from the State of Washington.

Use of Estimates - The preparation of financial statements in conformity with U.S. GAAP requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results could differ from the estimated amounts.

Federal Income Tax Status - The Internal Revenue Service has determined the Foundation to be a not-for-profit organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code. Accordingly, no provision for federal income tax has been made in these financial statements. The Foundation is classified by the IRS as other than a private foundation.

Functional Allocation of Expenses - The financial statements report certain categories of expenses that are attributed to program or supporting functions. Therefore, expenses require allocation on a reasonable basis that is consistently applied. The expenses that are allocated include salaries and wages, benefits, payroll taxes, office and occupancy, professional services, information technology, and other, which are allocated on the basis of estimates of time spent by program or supporting functions.

Recently Adopted Accounting Pronouncements - Effective January 1, 2022, the Foundation adopted the new lease accounting guidance in Accounting Standards Update No. 2016-02, *Leases* (ASC Topic 842) using the modified retrospective approach with comparative accounting periods continuing to be presented under previous lease guidance (ASC Topic 840). The Foundation has elected the package of practical expedients permitted in ASC Topic 842. Accordingly, the Foundation accounted for its existing leases under the new guidance, without reassessing (a) whether the contract contains a lease under ASC Topic 842, (b) whether classification of the leases would be different in accordance with ASC Topic 842, or (c) whether the unamortized initial direct costs before transition would have met the definition of initial direct costs in ASC Topic 842 at lease commencement. Additionally, the Foundation did not elect the practical expedient to use hindsight in determining the lease term (that is, when considering lessee options to extend or terminate the lease and to purchase the underlying asset) and in assessing impairment of the entity's ROU assets. As a result of the adoption of the new lease accounting guidance, the Foundation recognized on January 1, 2022 (a) a lease liability of \$344,538, (b) a right-of-use asset of \$304,586, and (c) removal of deferred rent liabilities of \$26,089.

LEGAL FOUNDATION OF WASHINGTON

Notes to Financial Statements
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

Note 1 - Continued

Reclassifications - Certain reclassifications have been made to prior year accounts to conform to the presentation in the current year financial statements. The reclassifications have no effect on the previously reported change in net assets or net assets.

Comparative Amounts for 2021 - The financial statements include certain prior-year summarized comparative information in total. Such information does not include sufficient detail to constitute a presentation in conformity with U.S. GAAP. Accordingly, such information should be read in conjunction with the Foundation's financial statements for the fiscal year ended December 31, 2021, from which the summarized information was derived.

Subsequent Events - The Foundation has evaluated subsequent events through May 5, 2023, the date on which the financial statements were available to be issued.

Note 2 - Liquidity and Availability

The Foundation regularly monitors liquidity required to meet its operating needs and other contractual commitments. The Foundation has various sources of liquidity at its disposal, including cash and cash equivalents, and marketable debt and equity securities. See Note 5 for information about the Foundation's investments.

The Foundation's Board of Trustees determines its level of biennial grant awards within the context of resources on hand, as well as a three year revenue projection. The Foundation anticipates revenue from grants, contributions, interest on IOLTA accounts, and Cy Pres awards. Due to the passive and unpredictable nature of IOLTA funding, the Foundation maintains reserves that are intended to support a consistent level of grant funding as needed.

The following financial assets held by the Foundation are available to meet general expenditures for the years ended December 31:

	<u>2022</u>	<u>2021</u>
Cash and cash equivalents	\$ 3,323,775	\$ 4,607,992
Investments	20,146,684	19,204,634
Grants receivable	3,573,150	3,084,313
Pledges receivable	1,139,456	1,303,511
Interest receivable	25,677	2,615
Due from Endowment for Equal Justice	<u>83,419</u>	<u>1,062</u>
Total financial assets	28,292,161	28,204,127
Less amounts not available to be used within one year		
pledges receivable, net current portion	(333,333)	(666,667)
Less donor restrictions for future grant awards	<u>(680,000)</u>	<u>(1,000,000)</u>
Financial Assets Available to Meet		
General Expenditures Within One Year	<u><u>\$ 27,278,828</u></u>	<u><u>\$ 26,537,460</u></u>

LEGAL FOUNDATION OF WASHINGTON

Notes to Financial Statements
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

Note 3 - Memorandum of Agreement

The Foundation and the Endowment have a Memorandum of Agreement. Under the agreement, (1) the Foundation provides management and operating support for the Endowment; (2) the Board of Directors of the Endowment, with the support of the Foundation staff, agreed to raise funds for the Endowment to support civil legal aid for the poor; and (3) the Foundation's Board of Trustees agreed to allocate these funds to civil legal aid providers throughout Washington State.

The Foundation is reimbursed by the Endowment for certain direct costs incurred by the Foundation for the benefit of the Endowment, including compensation and related costs, professional fees, printing, postage, and other direct costs that can be directly allocated to the Endowment. The Foundation received contributions of \$1,000,000 and \$942,624 for the years ended December 31, 2022 and 2021, respectively, from the Endowment, which are included with contributions revenue on the statements of activities.

Note 4 - Pledges and Grants Receivable

Pledges and grants receivable consist of the following for the years ended December 31:

	<u>2022</u>	<u>2021</u>
Receivable in less than one year	\$ 4,381,273	\$ 3,723,157
Receivable in greater than one year	<u>333,333</u>	<u>666,667</u>
	4,714,606	4,389,824
Less allowance for doubtful accounts	<u>(2,000)</u>	<u>(2,000)</u>
Pledges and Grants Receivable, Net	<u>\$ 4,712,606</u>	<u>\$ 4,387,824</u>

Pledges and grants receivable are recorded in the statements of financial position as following for the years ended December 31:

	<u>2022</u>	<u>2021</u>
Grants receivable	\$ 3,573,150	\$ 3,084,313
Pledges receivable, current	806,123	636,844
Pledges receivable, net current portion	<u>333,333</u>	<u>666,667</u>
Pledges and Grants Receivable, Net	<u>\$ 4,712,606</u>	<u>\$ 4,387,824</u>

At December 31, 2022 and 2021, 64% and 77%, respectively, of total pledges and grants receivable is due from NJP and one additional donor.

LEGAL FOUNDATION OF WASHINGTON

Notes to Financial Statements
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

Note 5 - Investments and Fair Value of Financial Instruments and Measurements

U.S. GAAP defines fair value, establishes a framework for measuring fair value, and requires disclosures about fair value measurements. To increase consistency and comparability in fair value measurements, U.S. GAAP uses a fair value hierarchy that prioritizes the inputs to valuation approaches into three broad levels. The hierarchy gives the highest priority to quoted prices in active markets (Level 1) and the lowest priority to unobservable inputs (Level 3).

Valuation Techniques - Financial assets and liabilities valued using Level 1 inputs are based on unadjusted quoted market prices within active markets for identical assets and liabilities. Financial assets and liabilities valued using Level 2 inputs are based primarily on quoted prices for similar assets or liabilities in active or inactive markets. Financial assets and liabilities using Level 3 inputs were primarily valued using management's assumptions about the assumptions market participants would utilize in pricing the asset or liability. Valuation techniques utilized to determine fair value are consistently applied.

The following is a description of the valuation methodologies used for assets and liabilities measured at fair value. There have been no changes in the methodologies used at December 31, 2022 and 2021.

Certificate of Deposits - Valued at cost plus accrued interest, which approximates fair value. They are valued using level 1 inputs.

Mutual Funds, U.S. Government-Backed Treasury Bills and Notes, and U.S. Government Bonds - Valued at the closing price reported on the active market on which the securities are traded. They are valued using level 1 inputs.

Investments consist of the following as of December 31:

	<u>2022</u>	<u>2021</u>
Mutual Funds:		
Short-term bonds	\$ 3,298,724	\$ 3,987,986
Large cap blend	3,569,873	3,847,430
Government bonds		2,905,093
Intermediate-term bonds	3,277,890	1,682,821
World stocks	875,394	1,536,567
Foreign large cap blend		1,482,440
Global real estate	368,337	504,519
Small cap blend	605,589	384,362
Multisector bonds		320,240
Certificates of Deposit	3,078,923	1,250,718
U.S. Government-Backed Treasury Bills and Notes	4,086,812	502,984
U.S. Government Bonds	985,142	799,649
	<u>\$ 20,146,684</u>	<u>\$ 19,204,809</u>

LEGAL FOUNDATION OF WASHINGTON

Notes to Financial Statements
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

Note 5 - Continued

The U.S Government-backed treasury bills, notes and bonds, and certificates of deposit have maturity dates between January 2023 and December 2023. As discussed in Note 1, \$14,766,779 and \$16,651,457, are held as board-designated funds at December 31, 2022 and 2021, respectively.

Note 6 - Furniture and Equipment

Furniture and equipment consist of the following for the years ended December 31:

	<u>2022</u>	<u>2021</u>
Equipment	\$ 128,718	\$ 128,154
Furniture and equipment	<u>8,209</u>	<u>8,209</u>
	136,927	136,363
Less accumulated depreciation	<u>(89,559)</u>	<u>(82,707)</u>
	<u>\$ 47,368</u>	<u>\$ 53,656</u>

Note 7 - Grant Expenses

Grant expenses consist of the following for the years ended December 31:

	<u>2022</u>	<u>2021</u>
Washington Immigrant Relief Fund	\$ 74	21,393,019
Annual partnership grants		19,640,000
Special grants	640,000	527,696
COVID-19 related (State/County)	2,212,568	1,345,712
Race equity grants	<u>320,000</u>	<u>210,000</u>
	<u>\$ 3,172,642</u>	<u>\$ 43,116,427</u>

Note 8 - Right-of-Use (ROU) Assets and Lease Liabilities

The Foundation has noncancelable long-term operating leases for its office space through June 2024. Operating lease expense totaled \$123,763 and \$124,939 for the years ended December 31, 2022 and 2021, respectively.

LEGAL FOUNDATION OF WASHINGTON

Notes to Financial Statements
For the Year Ended December 31, 2022
(With Comparative Totals for 2021)

Note 8 - Continued

Supplemental cash flow information related to leases as of December 31, 2022 are as follows:

Cash paid for amounts included in the measurement of lease liabilities-		
Operating cash flows from operating leases	\$	26,089
ROU assets obtained in exchange for new operating lease liabilities	\$	304,586
Weighted-average remaining lease term in years for operating leases		1.50
Weighted-average discount rate for operating leases		1.1%
Cash paid for amounts included in measurement of lease liabilities		(137,626)

Future minimum rental payments for operating leases under the lease are as follows:

For the Year Ending December 31,

2023	\$	140,651
2024		<u>71,082</u>
		211,733
Less present value discount		<u>(1,790)</u>
Total Lease Liability	\$	<u>209,943</u>








Note 9 - Pension Plan

The Foundation has a defined contribution pension plan to which it contributes after an employee has reached one year of service. Contribution rates, as a percentage of each employee's wages, were 5% for both years ended December 31, 2022 and 2021.

Contributions vest after two years of employment. The Foundation contributed \$44,308 and \$45,061 to the plan for the years ended December 31, 2022 and 2021, respectively.

Agricultural Workers: Your Rights when Working in Extreme Outdoor Heat

When the outdoor temperature is at or above 89 degrees* Fahrenheit (or over 31 degrees Celsius), your employer must:

-  Encourage you to frequently consume water or other acceptable beverages to ensure hydration.
-  Allow and encourage you to take additional paid preventative cool-down rest to protect you from overheating.
-  Monitor you to determine whether medical attention is necessary if you are showing signs or demonstrating symptoms of heat-related illness.
-  Ensure that a sufficient quantity of suitably cool drinking water is readily accessible to you at all times.
-  Relieve you from duty and provide you with sufficient means to reduce body temperature if you are showing signs or demonstrating symptoms of heat-related illness.
-  Provide **training**** in a language that you understand before you work in outdoor temperatures that exceed 89 degrees.
-  Ensure that you have the opportunity to drink at least one quart of drinking water per hour.

Important Notices

The Department of Labor and Industries (L&I) intends to adopt Emergency Outdoor Work Heat Rules. L&I is accepting feedback on the Emergency rules until May 15, 2022.

The Department of Labor and Industries is developing new permanent Outdoor Work Heat rules. These rules could impact you, your loved ones, your neighbors, and your community.

*These rules require action based on outdoor temperature and general type of clothing or personal protective equipment (PPE) that each employee is required to wear in the outdoor worksite. Employers must take action at 52 degrees if an employee is required to work in nonbreathing clothes including vapor barrier clothing or PPE such as chemical resistant suits. Employers must action at 77 degrees if an employee is required to wear double-layer woven clothes including coveralls, jackets, and sweatshirts. All other clothing requires action at 89 degrees.

**The training must include: (a) The environmental factors that contribute to the risk of heat-related illness; (b) General awareness of personal factors that may increase susceptibility to heat related illness including, but not limited to, an individual's age, degree of acclimatization, medical conditions, drinking water consumption, alcohol use, caffeine use, nicotine use, and use of medications that affect the body's responses to heat. This information is for the employee's personal use; (c) The employer's procedure for providing employees with sufficient means to reduce body temperature for the preventative cool-down rest and the requirement for preventative rest periods during extremely high heat; (d) The importance of removing heat-retaining personal protective equipment such as nonbreathable chemical resistant clothing during all breaks; (e) The importance of frequent consumption of small quantities of drinking water or other acceptable beverages; (f) The importance of acclimatization; (g) The different types of heat-related illness, the common signs and symptoms of heat related illness; and (h) The importance of immediately reporting signs or symptoms of heat-related illness in either themselves or in co-workers to the person in charge and the procedures the employee must follow including appropriate emergency response procedures.

Trabajadores Agrícolas: Sus Derechos Cuando Trabaja en el Calor Extremo al Aire Libre

Cuando la temperatura exterior es 89 grados* Fahrenheit o más (o 31 grados Centígrados o más), su empleador está obligado a:



Animarle a consumir agua u otras bebidas aceptables con frecuencia para asegurar la hidratación.



Permitirle y animarle a tomar tiempo adicional de descanso pagado para enfriarse y evitar el sobrecalentamiento.



Monitorearlo para determinar si necesita atención médica cuando muestre signos o síntomas de una enfermedad relacionada con el calor.



Asegurarse de que una cantidad suficiente de agua potable adecuadamente fresca es fácilmente accesible para usted en todo momento.



Liberarle de sus deberes laborales y proporcionarle los medios suficientes para reducir su temperatura corporal si usted muestra signos o síntomas de una enfermedad relacionada al calor.



Proporcionar un **entrenamiento**** en un idioma que usted entienda antes de trabajar en temperaturas exteriores que exceden los 89 grados.



Asegurarse de que usted tenga la oportunidad de beber al menos un litro de agua potable por hora.

Noticias Importantes

El Departamento de Labor e Industrias (L&I) tiene la intención de adoptar reglas de emergencia en el verano de 2022. L&I está aceptando comentarios sobre las reglas de emergencia hasta el 15 de mayo del 2022.

L&I está desarrollando nuevas reglas permanentes de calor en el trabajo al aire libre. Estas reglas podrían afectarlo a usted, a sus seres queridos, a sus vecinos y a su comunidad.

*Estas reglas requieren una acción basada en la temperatura exterior y el tipo general de ropa o equipo de protección personal (EPP) que cada empleado debe usar en el lugar de trabajo al aire libre. Los empleadores deben tomar medidas a 52 grados si se requiere que un empleado trabaje con ropa que no respira, incluida la ropa con barrera de vapor o EPP, como trajes resistentes a productos químicos. Los empleadores deben actuar a 77 grados si se requiere que un empleado use ropa tejida de doble capa, incluidos overoles, chaquetas y sudaderas. Todos los demás tipos de ropa requieren acción a 89 grados.

**El entrenamiento debe incluir: (a) Los factores ambientales que contribuyen al riesgo de enfermedades relacionadas con el calor; (b) Conocimiento general de los factores personales que pueden aumentar la susceptibilidad a enfermedades relacionadas con el calor, incluidos, entre otros, la edad, el grado de aclimatación, condiciones médicas, el consumo de agua potable, el consumo de alcohol, el consumo de cafeína, el consumo de nicotina y el consumo de medicamentos que afectan la respuesta del cuerpo al calor. Esta información es para uso personal del empleado; (c) El procedimiento del empleador para proporcionar a los empleados medios suficientes para reducir la temperatura corporal para el preventivo descanso de enfriamiento y el requisito de períodos de descanso preventivo durante calor extremadamente alto; (d) La importancia de quitarse el equipo de protección personal que retiene el calor, como la ropa resistente a productos químicos no transpirable, durante todos los descansos; (e) La importancia del consumo frecuente de pequeñas cantidades de agua potable u otras bebidas aceptables; (f) La importancia de la aclimatación; (g) Los diferentes tipos de enfermedades relacionadas con el calor, los signos y síntomas comunes de las enfermedades relacionadas con el calor; y (h) La importancia de informar inmediatamente a la persona a cargo los signos o síntomas de enfermedades relacionadas con el calor, ya sea en ellos mismos o en sus compañeros de trabajo, y los procedimientos que el empleado debe seguir, incluidos los procedimientos de respuesta de emergencia apropiados.

LFW Race Equity Grant Program Overview

The First Four Years

LFW launched the Race Equity Grant program in 2019 with a fund of \$75,000, based on the principle that creating fair access to civil justice means undoing systemic racial oppression. These grants center racial equity because the historical impact of racism has created and continues to create disparate outcomes for communities of color, especially in the justice system.

The goals of the Race Equity Grant Fund are to:

- invest in communities most impacted by structural racism and oppression;
- support community- and client-centered approaches to civil legal aid;
- increase civil justice for communities of color;
- build and support anti-racist organizations and leadership; and
- center those most impacted in the decision making process.

The Race Equity Grant program was built on a participatory grantmaking model. An advisory panel of community experts who have worked on race equity issues and/or lived in communities impacted by poverty and racism review grant applications and make recommendations for funding. The panel provides insight into the challenges facing Washington’s communities of color and ensures that LFW grants connect to their concerns.



“When you bring multiple voices together, with multiple experiences and different dynamics and stories, you really get the individuals that are stepping up to serve their communities and who are the first responder-types who know what their communities need. So having their voices at the table is so important. They know how to build a program that is going to be meaningful and impactful, and allowing them to have the decision-making capacity gives great value to the programs.”-Carmen Pacheco-Jones, Advisory Panel Chair 2019-2020

Since the beginning, the Race Equity Grant program has received a very strong response from the community. Each cycle, LFW has received many more applications than it can fund, making it a difficult evaluation and decision process for the panel. Because of the high need for this type of grant, LFW has increased the grant award over the years and recently expanded the grant term to two years to align better with our equitable grantmaking practices.

The Advisory Panel considers multiple factors when reviewing proposals and making their recommendations, including what communities would be served, the organizational leadership, if those implementing and/or co-creating the project have lived experience, and how the project's funds would be allocated. Proposals have been submitted for a wide range of issues, but immigrant rights and post-conviction re-entry projects are the top two issue areas. The grant fund is fully statewide, supporting work across the entire state of Washington.

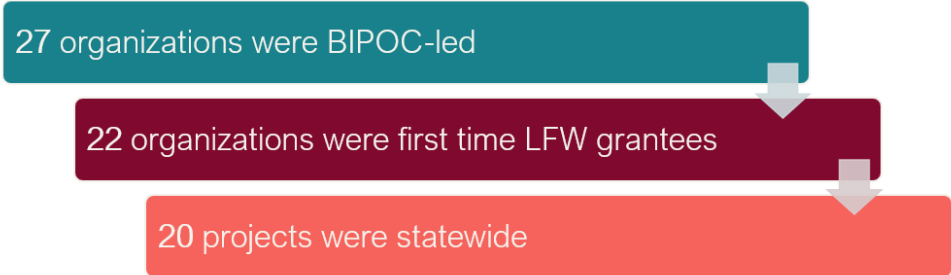
Race Equity Grant Proposal Themes



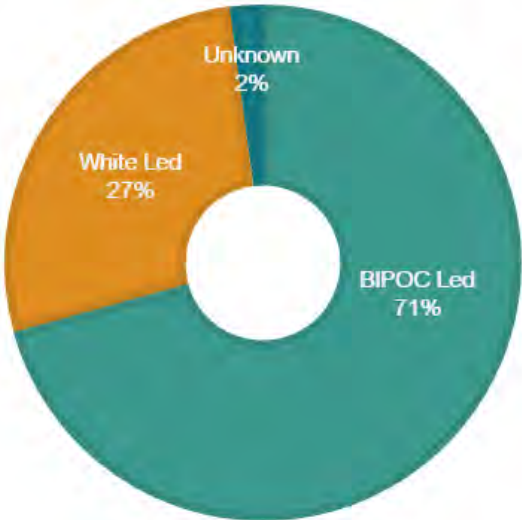
Race Equity Grant Overview 2019-2022



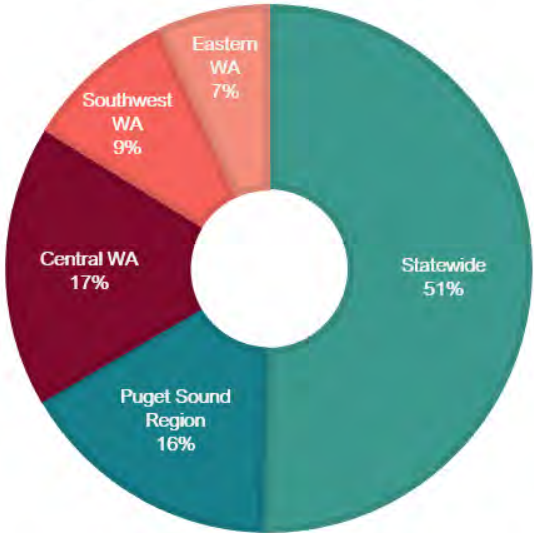
Of the 45 Race Equity Grants Awarded:



Percent of funds by organizational leadership



Percent of funds by region



Race Equity



LIVING WITH CONVICTION:

Sentenced To Debt For Life In Washington State

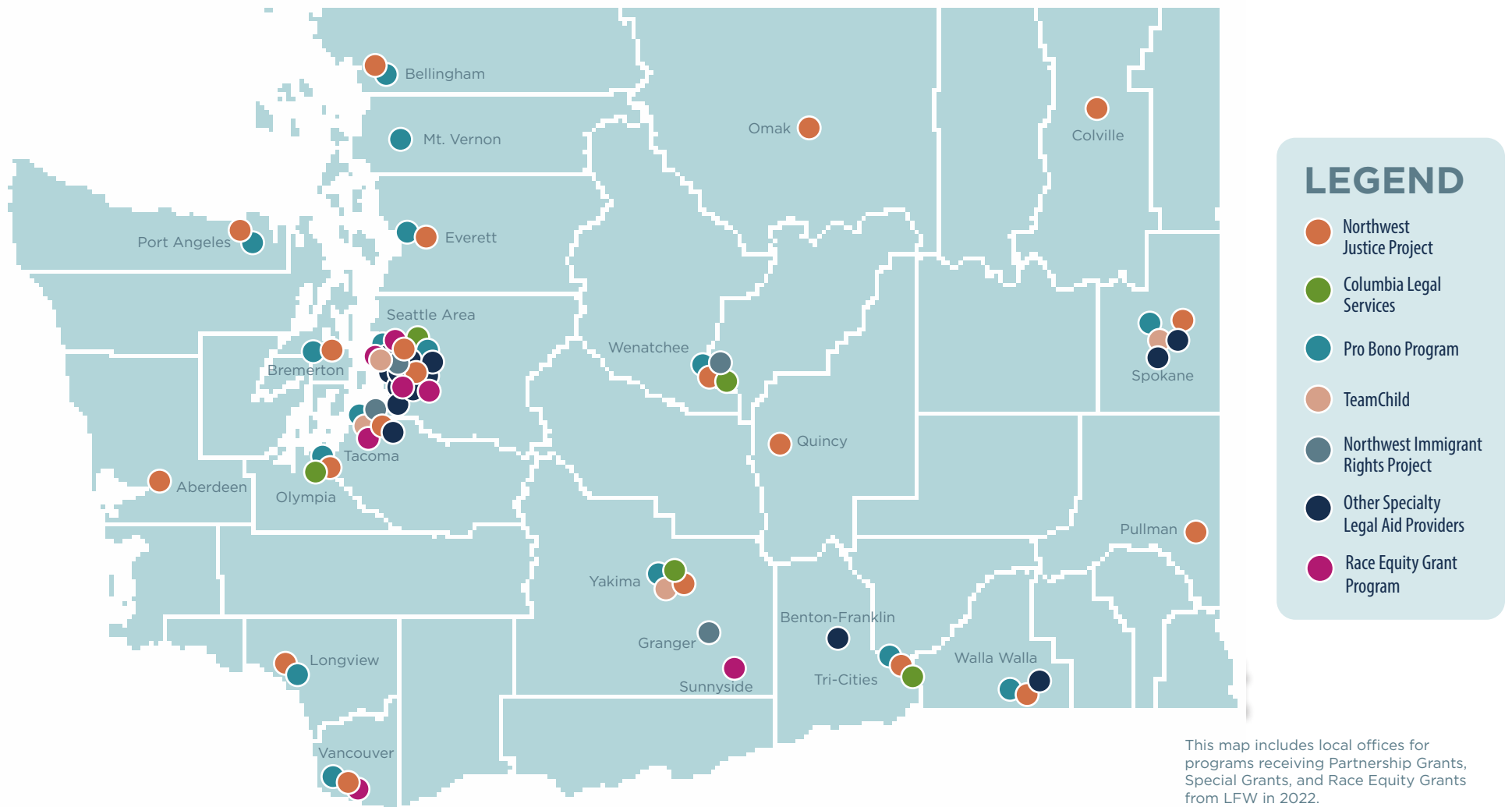
South King County Discipline Coalition



2022 Grants with Funding Sources

Organization	Partnership Grants	COVID-19 Emergency Eviction Defense Grants	Special & Alliance Support Grants	COVID-19 King County ARPA Grants	Race Equity Grants	Total
Benefits Law Center	\$492,000					\$492,000
Benton Franklin Legal Aid	\$103,000	\$25,000				\$128,000
Blue Mountain Action Council	\$57,000					\$57,000
Catholic Community Services of Western Washington's - Tenant Law Center				\$160,000		\$160,000
Chelan-Douglas Volunteer Attorney Services	\$113,000	\$35,000				\$148,000
Clallam-Jefferson Pro Bono Lawyers	\$90,000	\$17,000				\$107,000
Clark County Volunteer Lawyers Program	\$145,000	\$65,000				\$210,000
Colectiva Legal del Pueblo			\$40,000	\$80,000		\$120,000
Columbia Legal Services	\$3,720,000					\$3,720,000
Communities Rise	\$100,000			\$150,000		\$250,000
Cowlitz-Wahkiakum Legal Aid	\$63,000	\$17,000				\$80,000
Disability Rights Washington				\$80,000		\$80,000
Eastside Legal Assistance Program	\$175,000			\$125,000		\$300,000
Fair Work Center			\$12,500			\$12,500
Global Rights Advocacy					\$40,000	\$40,000
Kids in Need of Defense (KIND)				\$80,000		\$80,000
King County Bar Association	\$553,000					\$553,000
King County Bar Foundation				\$360,000		\$360,000
Kitsap County Legal Services	\$112,000	\$35,000				\$147,000
Laurel Rubin Farmworker Justice Project			\$25,000			\$25,000
Lavender Rights Project			\$40,000			\$40,000
LAW Advocates	\$165,000	\$17,000				\$182,000
Legal Counsel for Youth and Children	\$145,000			\$35,000		\$180,000
Living with Conviction			\$25,000	\$100,000		\$125,000
NAACP -Vancouver					\$40,000	\$40,000
Northwest Consumer Law Center				\$60,000		\$60,000
Northwest Health Law Advocates			\$25,000			\$25,000
Northwest Immigrant Rights Project	\$1,320,000		\$225,000	\$530,000		\$2,075,000
Northwest Justice Project			\$300,000			\$300,000
Nuestra Casa					\$40,000	\$40,000
Our Sisters' House					\$40,000	\$40,000
Qlaw Foundation			\$25,000			\$25,000
Seattle Clemency Project					\$40,000	\$40,000
Sexual Violence Law Center				\$80,000		\$80,000
Skagit Legal Aid	\$128,000	\$26,000				\$154,000
Snohomish County Legal Services	\$175,000	\$55,000				\$230,000
Solid Ground	\$255,000			\$60,000		\$315,000
Spokane County Bar Association Volunteer Lawyers Program	\$124,000	\$60,000				\$184,000
Tacomaprobono Community Lawyers	\$296,000	\$80,000				\$376,000
TeamChild	\$675,000					\$675,000
Tenants Union of WA					\$40,000	\$40,000
The Way to Justice			\$40,000			\$40,000
Thurston County Volunteer Legal Services	\$164,000	\$50,000				\$214,000
Unemployment Law Project	\$440,000					\$440,000
Washington Low Income Housing Alliance					\$40,000	\$40,000
Washington State Bar Association					\$40,000	\$40,000
Yakima County Volunteer Attorney Services	\$200,000	\$50,000				\$250,000
Totals	\$9,810,000	\$532,000	\$757,500	\$1,900,000	\$320,000	\$13,319,500

2022 LFW GRANTEES



WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

BOARD OF GOVERNORS MEETING Late Late Materials September 8-9, 2023 Historic Davenport, Spokane, WA Zoom and Teleconference	
Description	Page Number
Consent Calendar – JRC Chair Appointments	519
Consent Calendar – Presidential Appointments to the Diversity, Equity and Inclusion Council	526

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Hunter Abell, WSBA President-elect
RE: 2023-2024 Chair Appointments
DATE: September 6, 2023

Consent: Appointment of the 2023 - 2024 WSBA committee chairs listed below.

The WSBA has a number of standing committees that are created and authorized by the BOG to study matters relating to the general purposes and business of the Bar which are of a continuous and recurring character. Pursuant to the WSBA Bylaws, IX(B)(1)(c), the President-elect annually selects the Chair or Vice Chair of each committee, with the BOG having the authority to accept or reject that selection. Below is the slate of WSBA committee chairs for the 2023-2024 year. The candidates' resumes are attached. All eligible members of the committees listed below were encouraged to apply for the Chair position. Additional Chair appointments forthcoming.

Committee/Board	Recommended for Appointment
Judicial Recommendation Committee	Chair: Ian Cairns Vice-Chair: Susan Llorens

**SMITH
GOODFRIEND P.S.**
CIVIL APPEALS

IAN C. CAIRNS
HOWARD M. GOODFRIEND
CATHERINE WRIGHT SMITH
VALERIE A. VILLACIN
JONATHAN B. COLLINS

1619 8th Avenue North
Seattle, Washington 98109
Facsimile: 206.624.0809
Telephone 206.624.0974
www.washingtonappeals.com

MALCOLM L. EDWARDS
(1932-2019)

June 27, 2023

Paris A. Erickson
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101
barleaders@wsba.org

sent via email only

Re: WSBA Judicial Recommendation Committee Chair Position

Dear Washington State Bar Association Board of Governors:

I have spent the past year serving as the Vice-Chair of the WSBA's Judicial Recommendation Committee and have served on the committee since 2017. I would be honored and excited to continue my service next year as Chair of the Judicial Recommendation Committee. Please find attached a copy of my resume for your consideration.

Very truly yours,

/s/ Ian C. Cairns

ICC/vkv

IAN C. CAIRNS
SMITH GOODFRIEND, P.S.
CIVIL APPEALS
1619 8th Avenue North
Seattle, WA 98109-3007
(206) 624-0974
[REDACTED]
ian@washingtonappeals.com

WORK EXPERIENCE

SMITH GOODFRIEND, P.S., 2010-Present.

Shareholder in firm since January 2018. Appellate litigation practice, providing representation in cases in all three divisions of the Court of Appeals, the Washington State Supreme Court, and the Ninth Circuit Court of Appeals. Trial practice limited to appeal-related matters.

STUDENT ATTORNEY, Federal Appellate Advocacy Clinic, University of Washington School of Law (2009-2010).

LEGAL INTERN, The Honorable James L. Robart, United States District Court, Western District of Washington (June 2009-September 2009).

BAR ADMISSIONS

State of Washington; United States Court of Appeals, Ninth Circuit; United States District Court, Western District of Washington.

EDUCATION

J.D., June 2010, University of Washington; Order of the Coif; Washington Law Review, Notes and Comments Editor, Moot Court Honor Board, Member.

M.P.A., 2010, University of Washington Daniel J. Evans School of Public Affairs.

B.A., June 2004, University of Washington; Dean's List.

PROFESSIONAL ACTIVITIES

Executive Committee Member, KCBA Appellate Section. (2014-18)

Member, Washington State Bar Association Amicus Committee. (2015-2016)

Chair, Washington State Bar Association Amicus Committee. (2017)

Member, Washington State Bar Association Judicial Recommendation Committee. (2017-Present)

Chair, KCBA Appellate Section. (2019)

Member, Washington Supreme Court Word Count Workgroup. (2018-21)

PUBLICATIONS

Co-Author, Civil Appellate Practice chapter, King County Bar Association, *Washington Lawyer's Practice Manual* (2013-Present)

Always Appealing, Seeking Supreme Court review – who gets the last word? *King County Bar Association Bar Bulletin* (September 2020)

Always Appealing, Did the sky fall? A retrospective on allowing the citation of unpublished opinions. *King County Bar Association Bar Bulletin* (January 2021)

Always Appealing, Washington's Supreme Court continues to write influential decisions. *King County Bar Association Bar Bulletin* (July 2021)

Always Appealing, When waiting to seek review can hurt your client. *King County Bar Association Bar Bulletin* (January 2022)

Always Appealing, Courts should focus on the “notice” in notice of appeal. *King County Bar Association Bar Bulletin* (June 2022)

Always Appealing, Washington's Supreme Court Continues to Focus on Eliminating Racial Bias From the Jury System. *King County Bar Association Bar Bulletin* (December 2022)

Always Appealing, Washington's Supreme Court Again Emphasizes Our State's Policy of Deciding Cases on Their Merits. *King County Bar Association Bar Bulletin* (June 2023)

SPEAKING ENGAGEMENTS

Family Law Hot Topics CLE, King County Bar Association, October 2015

Open Courts v. Privacy, King County Bar Association Appellate Section, June 2015

Record on Review, WSBA Appellate Law CLE, September 2020

Avoiding Procedural Traps, Pincus Professional Education 7th Annual Advanced Appellate Practice, November 2023

HONORS AND AWARDS

Super Lawyers - Rising Star (2018-2022)

Super Lawyer (2023)

Susan E. Llorens

████████████████████
Seattle, Washington ██████████

August 28, 2023

VIA email to barleaders@wsba.org

To whom it may concern:

I am writing to express my interest in the position of Vice Chair for the Washington State Bar Association's Judicial Recommendation Committee. I have had the pleasure of serving on this committee since May of 2021, and have thoroughly appreciated the opportunity to contribute to the Bar's recommendations for appellate court candidates. I would be honored to serve as Vice Chair for the 2023-2024 fiscal year, with an eye to serving as Chair for the following year. I believe my years of experience on the Committee, coupled with my background in appellate practice, would make me an excellent candidate for the position.

Attached is a copy of my resume describing my practice background in more detail. Thank you for your consideration, and I look forward to hearing from you soon.

Sincerely,

Susan E. Llorens

Susan E. Llorens

SUSAN E. LLORENS
[contact information redacted]

EDUCATION

University of Washington School of Law, Seattle, Washington
Juris Doctor, July 2006

Honors & Activities: Order of Barristers
Comments and Articles Editor, *Pacific Rim Law & Policy Journal* (now *Washington International Law Journal*)
Member, Moot Court Honor Board
1st Place Speaker, 1L Appellate Advocacy Competition
Association of Trial Lawyers of America (ATLA) National Mock Trial Team
Case Manager, Immigrant Families Advocacy Project (IFAP)

Princeton University, Princeton, New Jersey
Ph.D work in Japanese Literature, September 1998 through June 2000

Honors & Activities: Foreign Language and Area Studies Fellowship (full tuition)

University of Texas, Austin, Texas
Bachelor of Arts, Plan II Honors Program, *magna cum laude*, May 1998

Honors & Activities: Phi Beta Kappa National Honor Society
National Merit Scholarship (full tuition)

LEGAL EXPERIENCE

Section Chief, Complex Litigation Division, Washington State Attorney General's Office, Seattle, Washington (**October 2022 - present**) and **Assistant Attorney General, Complex Litigation Division, Washington State Attorney General's Office**, Seattle, Washington (**March 2021 – October 2022**)

Leader of litigation team handling *State v. Rite Aid Corp. et al.*, a significant and complex case charging major national retail pharmacies with violating the Consumer Protection Act and creating a public nuisance for their role in the opioid epidemic. Member of the litigation team in two other complex civil actions, *State v. McKesson et al.* and *State v. Johnson & Johnson et al.*, and responsible for briefing and arguing dispositive motions, fact and expert witness preparation, and handling interlocutory appeals. Represent the State of Washington in multiple other types of complex civil litigation, both affirmative and defensive, at both the trial and appellate level, and in both state and federal courts. Manage a team of three Assistant Attorney Generals including case supervision, performance reviews and training, and participate with other Attorney General's Office management in hiring, case development, and long-term goals for the office.

Judge/Magistrate Pro Tempore, Seattle Municipal Court, Seattle, Washington (**May 2019 – present**)

Cover calendars for Seattle Municipal Court magistrates and judges including arraignments, pretrial hearings, sentencing hearings, and traffic and other code infractions.

Commissioner Pro Tempore, King County Superior Court, Seattle, Washington (**January 2014 – present**)

Preside over matters pertaining to dependent children pursuant to chapter 13.34 RCW, including shelter care hearings, motions, review hearings, pre-trial conferences, eligibility determinations for Special Immigrant Juvenile Status (SIJS) and contempt proceedings. Also hear and decide contested hearings at Harborview Hospital under the Involuntary Treatment Act, chapter 71.05 RCW, involving the involuntary commitment of individuals for psychiatric treatment.

Senior Staff Attorney, Washington State Court of Appeals, Division One, Seattle, Washington

(July 2020 – March 2021) and Staff Attorney, Washington State Court of Appeals, Division One, Seattle, Washington (August 2012 – July 2020)

Responsible for recommendations deciding motions to modify the rulings of the court’s commissioners, analyzing all incoming cases to the court, setting the court’s calendars, making case assignments to the court’s other staff attorneys. Additionally, responsible for drafting opinions deciding cases before the court, final orders in personal restraint petitions, and orders on various types of motions, including motions for discretionary review and Anders motions to withdraw.

Assistant Attorney General, Criminal Justice Division, Washington State Attorney General’s Office, Seattle, Washington (June 2011 – August 2012 and June 2005 – May 2006)

Represented the State of Washington in all aspects of litigation involving civil commitment of sexually violent predators under chapter 71.09 RCW in 38 of Washington’s 39 counties, including filing decisions, discovery, jury trials and appeals.

Assistant Attorney General, Social & Health Services Division, Washington State Attorney General’s Office, Seattle, Washington (September 2006 – June 2011)

Handled high volume caseload of child abuse and neglect litigation, representing the Department of Social and Health Services in all stages of dependency and termination proceedings. Briefed and/or argued appeals of dependency and termination cases on a variety of issues to the Washington State Court of Appeals and Supreme Court, and sat on moot courts to prepare AAGs in other divisions for oral argument. Provided client advice and regular trainings to DSHS employees. Supervised the research and court appearances of law students.

HONORS, ACTIVITIES and COMMUNITY SERVICE

- 2023 Attorney General’s Office Excellence Award
- 2020-2023 WSBA Judicial Recommendation Committee
- 2015 Judicial Institute Fellow
- 2014-2015 Judicial Diversity Program Fellow
- 2017-2018 Member, King County Bar Association Neighborhood Legal Clinics Committee
- Volunteer Attorney, King County Bar Association Neighborhood Legal Clinics
- Board Member, Woodland Soccer Club

REFERENCES

Hon. James Verellen, former Chief Judge, Washington State Court of Appeals, Division One

[REDACTED]

Hon. Jennifer Koh, Washington State Court of Appeals, Division One

600 University Street, Seattle, Washington 98101

[REDACTED]

Todd Bowers, Deputy Attorney General, Washington State Attorney General’s Office

800 5th Avenue, Seattle, Washington 98104

[REDACTED]

Laura Clinton, Division Chief, Washington State Attorney General’s Office

800 5th Avenue, Seattle, Washington 98104

[REDACTED]

Trisha McArdle, former Section Chief, Washington State Attorney General’s Office

[REDACTED]

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Dan Clark, WSBA President
RE: Presidential Appointments to the Diversity, Equity and Inclusion Council
DATE: September 6, 2023

Consent: Appointment of members to the Diversity, Equity and Inclusion Council.

Per the Diversity, Equity and Inclusion (DEI) Council originating charter, the WSBA President is asked to appoint members to the Council. With input from the co-chairs and council members, I appoint the following individuals to serve on the DEI Council for a two-year term beginning October 1, 2023 through to September 30, 2025. More information regarding this process can be found in the DEI Council's memo enclosed, along with the application materials.

- Viveca Burnett
- Andrea Jarmon
- SaNni Lemonidis
- Mia Little
- Dallas Martinez
- Sharon Sakamoto
- Alec Stephens
- Raina Wagner

Attachments:

DEI Council Memo to President Clark, dated September 5, 2023

WASHINGTON STATE BAR ASSOCIATION

TO: President Daniel D. Clark
FROM: Raina Wagner, DEI Council Co-Chair and Gov. Sunitha Anjilvel, DEI Council Co-Chair President-Elect
CC: Hunter Abell, Terra Nevitt, Paris Eriksen, Diana Singleton and Saleena Salango
DATE: September 5, 2023
RE: Recommendations for Appointment to Diversity, Equity and Inclusion Council

REQUESTED ACTION: Appoint the following members to serve on the DEI Council for a two-year term effective October 1, 2023 through to September 30, 2025.

1. Viveca Burnett
2. Judge Andrea Jarmon
3. SaNni Lemonidis
4. Mia Little
5. Dallas Martinez
6. Sharon Sakamoto
7. Alec Stephens
8. Raina Wagner

We are writing to request appointment of the applicants outlined above to the DEI Council effective October 1, 2023 for a two-year term. We request your decision by the end of day on Tuesday, September 5th so we can submit it for the BOG materials.

Background

The Diversity Committee became the DEI Council upon approval by the Board of Governors in July 2022. The DEI Council's new charter provides the following language as it relates to how new members are approved: "In accordance with WSBA Bylaw Article IX.C, selection of persons to be appointed to the Council will be made by the President with confirmation by the Board of Governors."

In July 2023, the Council discussed how they could make their selection more equitable and decided to apply a more inclusive process which is outlined in the attached DEI Council New Member Nomination Procedure document. We shared the new procedure document with General Counsel Shankland to ensure there were no legal concerns and to find out if the Council needed to get formal approval of the procedure document.

In the course of General Counsel's review, she identified that two issues in our charter we were not aware of: 1) the Charter provides that new members are to be approved by the President and confirmed by the BOG (as opposed to the nominations committee process); and 2) the Charter incorrectly references a bylaw (it says "In accordance with WSBA Bylaw Article IX.C, selection of persons to be appointed to the Council will be made by the President with confirmation by the Board of Governors" even though Bylaw Article IX.C doesn't say anything about the President appointing council members. It's Bylaw IX.B.2.a that references the President selecting new members, approved by the BOG, but it's for short-term groups. General Council Shankland recommended that we request changes to the charter to correct the Bylaw reference and to include a process using the Nominations Committee like all the other committees, councils and boards. She said that she did not think we needed to have the procedures document approved by the BOG but recommended we share the document when we submit proposed amendments to the Charter.

The Council plans to submit proposed amendments to the Charter at the November 2023 and January 2024 Board of Governor meetings for first and second readings respectively. In the meanwhile, we are following the member appointment process as outlined in our current Charter, and as such, are asking that you as the WSBA President approve our recommended applicants for DEI Council membership.

Process

As mentioned above, in an effort to create a more equitable selection process, the Council voted in July 2023 in favor of the DEI Council New Member Nomination Procedure document. We have followed these procedures by asking every new applicant to share their responses to the three questions outlined in the document, redacting the names of the new applicants' materials, and seeking input from the DEI Council.

We reviewed our current demographics (see attached information which includes members who we hope are approved for another term but does not include the BOG members as we are awaiting appointment of the BOG DEI Council members) and prioritized increasing the diversity of our membership in terms of type of member (e.g., judicial member, public member), geographic representation, lived experience and identity representation, professional and personal experience with DEI work, and capacity to volunteer.

In addition to considering input of our DEI Council members, we also considered input from our WSBA staff liaisons, Saleena Salango (Equity and Justice Lead) and Diana Singleton (Chief Equity and Justice Officer).

Proposed Recommendations

We have eight openings for the DEI Council. We have four members who have requested to continue on for a second two-year term, and 15 people who applied for the DEI Council.

We propose approval of the four DEI Council members who applied for a second term. Below are the members we seek approval and why we are recommending them:

1. **SaNni Lemonidis:** SaNni served as our chair of the Definition of Diversity Workgroup over the last couple of years. This workgroup conducted significant research and outreach to get input on how “diversity” is described in the bylaws concerning the At-Large Governor. The Council submitted proposed bylaw amendments to the Board of Governors earlier this fiscal year and they were ultimately approved. SaNni has been an engaged member who brings valuable perspectives including her own DEI professional work.
2. **Mia Little:** Mia has been serving as our chair of the Law Student/Pipeline to the Profession Workgroup over this past year. She has been working to bring momentum to this work, engaging with others doing pipeline work and bringing their perspectives to the workgroup. The workgroup is planning a summit later this year which will bring together people who are doing or interested in doing work to create a more accessible pathway to the legal profession. Mia has been instrumental in this work and also brings her own perspective as a BIPOC lawyer in technology and the law.
3. **Sharon Sakamoto:** Sharon has been serving as our co-chair of the DEI Plan Workgroup and leading the efforts to design a process for creating a new DEI Plan which would replace the current Diversity and Inclusion Plan approved in 2013. Sharon brings with her a wealth of experience and perspective as a leader in our legal community.
4. **Raina Wagner:** Raina has been serving as our co-chair of the DEI Council, alongside Sunitha, over this last year. Raina has been instrumental in keeping the DEI Council work moving forward including the proposal to become a council, the definition of the diversity policy work, and the DEI Plan planning process. Raina has already approved by you to continue to serve as the FY 23 DEI Council Co-Chair so we hope her approval as a member is a given.

As we considered the candidates for the other four openings, we first looked to the ratings of the DEI Council members who reviewed the 15 applicants who applied for first terms on the Council. Using the DEI Council New Member Nomination Procedure, the Councilmembers picked one of the applicants as their first choice; each of our final four recommendations received at least one first-choice vote.

One of those with the highest number of first-choice votes was current outgoing Governor Alec Stephens, who, as his term as governor is ending, is among the 15 applicants for a first term on the Council. Recognizing that the Council will continue to benefit from Gov. Stephens’ wealth of knowledge and important perspective regarding the Council’s work and the intricacies of the BOG itself, as Co-Chairs, we feel blessed that Gov. Stephens desires to continue his membership on the Council. The Council needs his voice and his presence. Therefore, Alec is our fifth recommendation.

For the final three open slots, we applied a DEI lens by prioritizing the following:

- **Not active attorneys:** One of the primary reasons the Diversity Committee requested to become a council was to diversify the membership, and we would like to expand to people who are judicial officers, members of the public, law students, staff or faculty, etc.
- **Little or no access to other WSBA/BOG opportunities:** DEI Council membership comes with a voting authority to be able to potentially influence decisions that impact the entire membership and members of the public seeking legal services. Consistent with our organizational DEI values, we believe it's important to prioritize those who are most impacted by systemic oppression and may not have access to decision-making spaces elsewhere.
- **Expansion of ally ship and community connections:** The Council's work requires engaging with a variety of marginalized and underrepresented groups as well as working to create a large network of allies. We wanted to ensure the members selected allow us to expand our network and have connections we don't already have.
- **New perspectives:** Perspectives currently missing on our Council include members of the public (particularly client communities), those who have nontraditional education/career pathways, and those who reside at the intersection of many different forms of marginalization.

Based on these priorities, we recommend the following three applicants:

- **Judge Andrea Jarmon** - Her honor has a unique perspective as a judicial member, plus connections to the Washington courts and beyond.
- **Dallas Martinez** - They have connections to the LGBTQ+ community, connections to Native American communities, and they apply an intersectional lens to work. Dallas also attended previous DEI Council meetings and seems very invested in the work.
- **Viveca Burnette** – Viveca many unique perspectives as a law student and a Black/Hispanic immigrant. She also has many connections to different community-based organizations in Pierce and King County.

Further Recommendations

We would like to reach out to the other applicants to engage them in our workgroups as membership is not required for volunteering with those groups and there is plenty of work we need help with. The following is a list of the remaining candidates we would like to offer an opportunity to engage with the workgroups:

- **Ben Zinke**, Pipeline To The Profession Summit
- **Julie Antifave**, Pipeline To The Profession Summit
- **Miguel Blancas-Alejo**, Pipeline To The Profession Summit
- **Siyang Kang**, DEI Plan Subcommittee

Please let us know if you have any questions or concerns. We respectfully request that you approve our recommendations so we can continue to advance diversity, equity, and inclusion.

Enclosures: DEI Council Charter
DEI Council New Member Nomination Procedure
Application Materials of Recommended Applicants



WASHINGTON STATE BAR ASSOCIATION

CHARTER OF THE DIVERSITY, EQUITY, AND INCLUSION COUNCIL

Approved by the WSBA Board of Governors on July 21, 2022

Background

Under the delegated authority of the Washington Supreme Court and consistent with the WSBA mission, the DEI Council's purpose is to advance diversity, equity and inclusion in the legal profession and legal system.

Specifically, under Washington General Rule 12(1)(j), in regulating the practice of law, one of the Washington Supreme Court's objectives includes "diversity and inclusion among legal service providers and freedom from discrimination for those receiving legal services and in the justice system." Further, under Washington General Rule 12.2(6), the Washington Supreme Court has expressly delegated to the WSBA the responsibility to "promote diversity and equality in the courts and the legal profession."

In addition to carrying out the objectives and responsibilities outlined in the General Rules and other commitments like the Washington Race and Equity Justice Initiative [commitments](#), the Council also carries out the mission of the WSBA – 'to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice' – by advancing diversity, equity and inclusion in the legal profession and legal system.

Purpose

To advance diversity, equity and inclusion and address the problems of bias, systemic inequities and underrepresentation in the legal profession, the Council's work includes but is not limited to:

- Increasing and supporting members from underrepresented communities by developing and supporting diversity pipeline and mentorship programs and partnering with schools, students and members from underrepresented communities.
- Developing diversity, equity and inclusion educational content and programs for members, volunteers and members of the public.
- Developing diversity, equity and inclusion educational content and programs designed to offer members opportunities to learn, gain skills and fulfill the MCLE ethics requirement on the mitigation of bias.
- Implementing and updating the WSBA Diversity and Inclusion Plan.
- Supporting and collaborating with the Minority Bar Associations to promote mutual goals to advance diversity, equity and inclusion in the legal profession.
- Promoting leadership opportunities in the WSBA, legal profession and legal system by engaging in outreach to underrepresented members and the public, promoting diversity in the judiciary, and recommending candidates for At-Large Governors on the WSBA Board of Governors (BOG).
- Advising the BOG on examining issues through a diversity, equity and inclusion lens and fulfilling its responsibilities outlined in General Rule 12.2(a)(6), WSBA Strategic Goals, the Race and

Equity Justice Initiatives commitments, and approved resolutions concerning diversity, equity and inclusion.

The Council shall work with a variety of stakeholders to ensure it centers underrepresented members and communities, and will work collaboratively with WSBA staff who manage diversity, equity and inclusion programs.

Governance and Membership

The Council shall consist of up to 18 members who will include four BOG members and 14 members who may be WSBA active members, WSBA pro bono status members, WSBA judicial status members and judicial officers, law students, law school faculty and staff, and members of the public. Of the 14 non-BOG members, at least eight shall be active members.

The membership terms for non-BOG members shall be two years, renewable for a second consecutive term. Non-BOG members who serve two consecutive terms may serve again after at least a two-year hiatus.

The membership terms for BOG members shall be a one-year term, renewable with no limit on the number of terms.

The Council shall be co-chaired by a member of the BOG and a member of the Committee who is not on the BOG. If an individual is appointed as the non-BOG co-chair but is not a new or returning member of the committee, they will be appointed as a member for one year, which may temporarily increase the size of the committee to 19.

In accordance with WSBA Bylaw Article IX.C, selection of persons to be appointed to the Council will be made by the President with confirmation by the Board of Governors.

Applications to serve on the Council shall be in accordance with WSBA Bylaws, policies, and procedures.

Voting

All members of the Council are eligible to vote. Judicial members may choose to recuse themselves from voting relating to any matters. If judicial members choose to recuse themselves from votes relating to court rules or legislation, on those occasions, and only on those occasions, the membership of the Council, for purposes of determining whether a supermajority have voted in favor or against a proposition, shall be reduced by the number of judges who have recused themselves. This provision does not apply if a judicial member is merely absent.

Membership Expectations

Council members are expected to serve on at least one Council workgroup. Council members who have three consecutive unexcused absences in any 12-month period will be considered as resigned from the Council. Council members may be excused for good cause by either co-chair; such an excuse should be sought prior to the meeting. The Council may seek a replacement member through the regular WSBA volunteer process, unless the absent member was nominated by the WSBA President. In that case, the WSBA President will be asked to appoint a replacement.

DEI Council New Member Nomination Procedure

The DEI Council aims to promote diversity, inclusion and equity in its own process for recruitment and selection of new members. To that end, the procedure for determine the new member nominees includes the following:

- All applicants who are applying for a second term will be given priority during the selection process, provided they are not out of compliance with the attendance policy.
- All new applicants will be asked to submit written responses (limit to 600 words) to the following questions:
 - What level of capacity (e.g., approximate hours per month) do you have to engage in the DEI Council roles and responsibilities?
 - What most excites you about joining the DEI Council and what kind of work do you hope to do?
 - What do you think is the most challenging issue facing the legal profession as it relates to DEI?
- All DEI Council members (except for members who are reapplying for a second term) will be invited to anonymously rank the applicants based on their materials, submitted responses and volunteer job description and needs of the DEI Council .
- All application materials from new applicants will have the names redacted.
- The DEI Council Co-Chairs will review the redacted application materials with a lens toward increasing diversity among the Council and building more capacity to accomplish its work. The Co-Chairs will also consider the ranking submitted by Council members.
- The Council's Charter provides that six of the 18 members may be WSBA members in pro bono members, judicial status and judicial officers, law students, law school faculty and staff, and members of the public. To promote diversity, the Co-Chairs will make selections to have broad representation.

Viveca Burnette
WSBA #
INDIVIDUAL

Congressional District: Not Available

Applied Committee: Diversity, Equity & Inclusion Council

Application Reason: The legal community has a well-recognized but still to some degree misunderstood challenge with diversity, equity, and inclusion. Under-representation, particularly of BIPOC persons, is reported every year by the ABA and yet, the yearly gains to address that lack of diversity are very small. However, once the appropriate number that constitutes a "diverse" legal community is established, the next step is the proper framing and achievement of equity and inclusivity. Equity and inclusiveness are about how diverse community members are treated – what support structures are present or need to be created to provide access for them and to foster a sense of belonging. While it is fine to start while people are already in the profession, that misplaces the emphasis for DEI in my opinion. Law schools should be a key part of DEI initiatives to make the profession more inclusive and equitable but have a long way to go on the DEI highway.

I wish to be a part of the DEI Council because as a black, female, immigrant who has a Hispanic heritage (via Cuba and Venezuela) and also happens to be a law student, I believe that voices like mine are missing from the DEI conversation, and that my identity can be used as a springboard to fuel important conversations about how bias and intersectionality connect in people's everyday lives.

My experience in equity work is informed by both my volunteer and professional life. Since emigrating to the United States, I was an active volunteer at community-based organizations like the Pierce County AIDS Foundation (PCAF), Oasis Youth Center for LGBTQIA youth, and GEEKGIRLCON. In each of these organizations, I have served at the Board level and have advocated for people affected by HIV/AIDS to receive housing and food assistance, access to care and decriminalization of their status; worked to provide financial and emotional support for homeless and/or victimized LGBTQIA youth; and collaborated to assist marginalized females to celebrate their achievements in math, the sciences, and other areas where they have long been underrepresented. Currently, I sit on the Board of Columbia Legal Services, an organization centered around community-led movement lawyering to advance the economic, social, and racial equity for persons living in poverty.

Because my community includes Seattle University, I have also sought out opportunities to serve within the law school. During my 1L year, I volunteered with both the Social Justice and Leadership and DEI Committees, and continue to volunteer with the revamped DEI Committee as a 2L. I saw service on these committees as critical because when the conversation is on meaningful diversity, beneficial inclusive practices, tangible equity, and justice within SU's walls, which can then be extrapolated to the profession at large, the people most impacted should be included and the most sought after. I was also the Faculty Standards Representative (2022/2023) on the Student Bar Association. I sought out this position because student voices are critical to the discourse about who Seattle University Law hires, what that hiring process looks like, and, after faculty are hired how students' best interests are supported. This focus is particularly important for persons from historically marginalized groups, BIPOCs especially, who are underrepresented both as part of the law school faculty and student body, and whose experiences within the law school are dissimilar to their non-POC counterparts.

Finally, as the Manager of the International Fellows Program at WCG IRB I led a team that successfully developed a fully online 1-month bioethics training program to aid capacity-building for research professionals from Low and Middle-Income countries, and added to the existing 2 and 6 month training programs. This program served a critical need during the pandemic, as medical research and novel vaccine technology stretched

across nations with limited clinical research experience and infrastructural access. In this capacity, my equity work was international because differently situated persons require different solutions to achieve parity.

Employer: No response

Number of Lawyers: No response

Areas of Practice: No response

Years of Practice: No response

Years of Membership: 0

Learned of Service From: Colleague or friend, Other: Mentor

EDUCATION:

Seattle University School of Law

Juris Doctor Candidate

Seattle, WA
December 2024

Awards/Recognition:

2023 BSP Law Foundation Joel B. Stern Scholarship; 2023 Fredric C. Tausend Moot Court Competitor; 2022 King County Bar Foundation Scholar; Law Review Diversity Scholarship; Access to Justice 1L Fellow; Dean's Diversity Scholarship.

Memberships:

Law Review Member & Symposium Chair (incoming); Treasurer, Student Bar Association (2023-present); Faculty Standards Representative, Student Bar Association (2022-23); Community Services Director, Black Law Students Association (2022-23); Member, Diversity, Equity & Inclusion Committee (2021-present); Member, Social Justice Leadership Committee (2021-22).

University of Washington

Certificate in Project Management

Seattle, WA
June 2018

University of the West Indies

Bachelor of Arts in English

Trinidad, W.I.
June 1996

SELECT EXPERIENCE:

Community Health Plan of Washington

Student Extern

Seattle, WA
Jan – Apr 2023

- Reviewed assorted contract documents (e.g., MSA, MOU, terms and conditions, and downstream user documents); conducted research on federal and state legislation on issues of import to CHPW including mental health parity, durable power of attorney and mental health treatment, health care enrollee administrative hearings and prepared associated motion, legal memo, and report as indicated. Co-authored PowerPoint presentation explaining Mental Health Parity and Addiction Equity Act and regulatory updates to business owners.

WSBA Moderate Means Program

Student Intern

Seattle, WA
July - Oct2022

- Conducted client interviews; performed legal research, analysis and writing on assigned cases; initiated referrals to external counsel as directed by lead attorney and followed up cases to resolution.

WCG IRB (formerly Western IRB)

Manager, International Fellows Program

Puyallup, WA
June 2021- July 2022

- Directed 1, 2 and 6-month trainings on research ethics; managed partnership with NYU's Department of Bioethics; Trained over 80 international fellows on multiple bioethics topics; Developed policies and procedures to meet US State Department requirements; Managed program evaluations, budget, and program-related marketing materials/publications.

Compliance Training and Development Coordinator

March 2016 - May 2021

- Duties as noted for Manager. Title change.

IRB Chair

Nov 2011 - Mar 2016

- Reviewed research protocols and supplemental materials for compliance with U.S. and International research regulations; Assessed site non-compliance reports; Trained staff and external clients on U.S., Canadian and other international research regulations and guidance; Conducted compliance audits of Investigator sites in the United States and Canada.

Regulatory Analyst

June - Oct2011

- Duties as noted for IRB Chair. Promotion.

Charles River Clinical Services Northwest

Quality Assurance Auditor

Tacoma, WA
Mar 2008 - May 2011

- Conducted internal and external audits; Facilitated Pharmaceutical/Biotech audits and FDA Inspections; Co-authored QA & other SOPs; Trained site personnel on Good Clinical Practice requirements.

Associate Quality Assurance Auditor

Oct 2007 - Mar 2008

Sr. Administrative Assistant to Director of Medical Affairs

April - Sep 2007

CERTIFICATIONS & PROFESSIONAL MEMBERSHIPS:

Certified IRB Professional (2014-present); Public Accountability in Medicine and Research (2016, 2020-22); Registered Quality Assurance Professional-Good Clinical Practice (2014-17); Society of Quality Assurance (2008-11).

COMMUNITY ENGAGEMENT:

Student Board Member, Columbia Legal Services (2022-present); IRB Board Member, Providence Health Services IRB (2021-present); Board Member, GeekGirlCon (2020-21); Advisory Committee Member, Oasis Youth Center (Jan2019-Dec2020); Board President (2019-20), Board President-Elect (2018-19) and Board Member (2016-18), Pierce County AIDS Foundation.

ADDITIONAL INFORMATION:

Guest Lecturer, University of Washington Certificate Program in Clinical Trials (2018-20); Speaker, OASIS Youth Leadership Conference: Pride in Protest (2020); Speaker, SIDCER/FERCAP 18th Annual IRB Conference (2018); Speaker, Gates Foundation Global Health Clinical Consortium (2018).

ANDREAS. JARMON

Telephone: [REDACTED] Fax: [REDACTED]

May 7, 2021

Washington State Bar Association
Attn: Committee Selection
1325 Fourth Avenue, Suite 600
Seattle, Washington 98101

Dear Committee Selection Panel:

There are two committees for which I humbly submit my materials and seek to be considered for selection as a volunteer. I would like to continue serving on the Diversity Committee. Additionally, I would like to be considered for the Access to Justice Board. Presenting this letter to address both sought positions is not a matter of efficiency. Rather, it reflects my belief of the critical nexus between the two missions of both entities. It reflects my desire and commitment to finding an additional space in which I can advocate for and support greater access to justice for our community, with a particular emphasis on communities of color and other underrepresented and historically marginalized groups.

While I have served on boards before and believe that to be one aspect of my qualifications that merit consideration, I wish to share with the reviewing panel the personal aspect that informs my perspective and adds a richness to the volunteer positions I am seeking.

There are no lawyers in my family. Being a lawyer was not the fulfillment of any sort of legacy or following the path that someone had charted for me. In fact, having the initials "J.D." behind my name was far from contemplation for a 14-year-old homeless youth, who then struggled with being a homeless teenage mother, attempting to find independence from a violent intimate relationship. I remember the confusion around whether the treatment I received as a tenant was covered by any legal provisions. I remember resolving to suffer through situations because of the lack of information and access. I remember being a pro se litigant presenting incorrect legal pleadings in family court. When I was able to access higher education, I remember sitting with and sharing with other students of color our feelings of isolation.

These experiences impressed and imprinted upon me the "why." These experiences are why I became a lawyer; why I hold such an unwavering commitment to the pursuit of increased access to justice. These experiences are why I am constantly knocking at the next door to see where I can be an active voice in improving (or in some instances dismantling) our systems.

These experiences offer unique perspectives that all too often are ignored, forgotten, or misunderstood. The Diversity Committee and the Access to Justice Boards are spaces

ANDREAS. JARMON

Telephone: [REDACTED] Fax: [REDACTED]

wherein the issues of access to justice; diversity, equity, and inclusion; and antiracism work are paramount. These issues are not the addendum; but the agenda. These are the spaces in which I believe I can meaningfully contribute.

Prior to my current transition to a judicial position at the Board of Industrial Insurance Appeals, I managed a sole office, where my practice centered on the representation of indigent clients in King and Pierce County with criminal, dependency, or family law matters. I never attempt to glorify the work. It was emotionally challenging; at times, discouraging; but always, always, necessary. There continues to be a diminishing trust in our legal institutions. Yet, each time we have the opportunity to allow the community to see itself in the process, in the policy makers, and in the roles of authority, we slowly work towards establishing credibility and that engenders trust.

That is why I love serving on the Diversity Committee. It is also why I am interested in serving on the Access to Justice Board. Both are spaces where the hard but necessary work is being done—the work of improving access to justice, expanding legal aid; and making sure that every action has a diversity and equity impact analysis.

Thank you for considering my materials. I look forward to the opportunity to continue to work with the Diversity Committee. I am eager for the opportunity to join the Access to Justice Board.

Respectfully,

/s/

ANDREA S. JARMON

ANDREA S. JARMON

T: [REDACTED] | F: [REDACTED]
[REDACTED]

EDUCATION/PROFESSIONAL TRAINING

University of Washington School of Law

Juris Doctor

*Selected Honors: American Bar Association Legal Opportunity Scholarship Recipient
Washington Women Lawyers (Seattle Chapter) Scholarship Recipient*

Activities: Black Law Student's Association, From the Bench Judicial Series, Immigrant Family Advocacy Project, Child Advocacy Clinic, Diversity Summer Fellowship Program

December 2004

Seattle, Washington

University of Washington

Bachelor of Arts: English

Bachelor of Arts: Women Studies

Selected Honors: Freshmen Merit Award, Dean List's (8 quarters), The Links, Incorporated (Greater Seattle Chapter) Scholarship Recipient, Soroptimist Seattle Scholarship Recipient, Junior League of Seattle Scholarship Recipient, Nellie Martin Carmen Scholarship Recipient, Windermere Foundation Scholarship Recipient

June 2001

Seattle, Washington

University of Capetown

Study Abroad

Selected to participate in first cohort of students in study abroad program explore education post-apartheid.

Spring 2000

Capetown, South Africa

PROFESSIONAL LEGAL EXPERIENCE

Appeals Judge 3

Board of Industrial Insurance

Preside over hearings and motions, and issue written decisions on appeals filed under the Industrial Insurance Act, Crime Victims Compensation Act, Washington Industrial Safety and Health Act, and other acts as determined by the Legislature. Make evidentiary rulings pursuant to Rules of Evidence and Superior Court Rules.

November 2020-Present

Olympia, Washington

Pro-Tempore Commissioner

King County Superior Court

Manage dependency court docket, presiding over Dependency matters that include contested shelter care hearings; dispositional and placement motions; review hearings and other contested matters.

May 2019-Present

Seattle & Kent, Washington

Jarmon Law Group, PLLC

Private Practice/Managing Attorney

Heavy litigation and motions practice in solo practice focused on representation of indigent clients in criminal, dependency, and family law contempt matters. Provided unbundled, sliding fee, and pro bono legal services.

September 2012-October 2020

Tacoma, Washington

Washington State Attorney General's Office

Assistant Attorney General

Litigated from filing to disposition complex civil and criminal cases in Criminal Justice, Sexually Violent Predator, and L&I Divisions, with cases in administrative and superior courts. Prosecuted complex provider and worker fraud cases; reviewed search warrants, provided legal advice and training to investigators.

February 2007 – September 2012

Tacoma, Washington

ANDREA S. JARMON

T: [REDACTED] | F: [REDACTED]
[REDACTED]

Seattle City Attorney's Office, Criminal Division **October 2006-February 2007**
Assistant City Attorney, Domestic Violence Unit **Seattle, Washington**
Under a federal grant, evaluated practices and standards for the review and prosecution of domestic violence offenders; researched risk assessment factors; and drafted initial recommended guidelines for prosecution.

Auburn City Attorney's Office, Criminal Division **December 2005-October 2006**
City Prosecutor **Seattle, Washington**
Prosecuted misdemeanor criminal offenses, municipal code violations, and infractions. Reviewed cases for filing determinations, made pre-trial recommendations, and prepared cases for trials and contested hearings.

Seattle City Attorney's Office, Criminal Division **March 2005-September 2005**
Assistant City Attorney **April 2004-April 2005**
Rule 9 Prosecutor **Seattle, Washington**
Prosecuted misdemeanor criminal offenses, municipal code violations, and probation violations, litigating at motions and trial stage. Responsible for arraignment, bench-warrant add-on, pre-trial, and contested restitution calendars.

Legal Assistant **April 1999-January 2000**
Law Office of Peter T. Connick **Seattle, Washington**
In busy criminal defense office, prepared legal documents and pleadings, conducted legal research, composed drafts, and edited final filing papers; organized and indexed voluminous amounts of felony case discovery and investigation materials.

TEACHING/LEADERSHIP EXPERIENCE

School of Social Work & Criminal Justice **Winter 2022**
University of Washington-UWT **Tacoma, Washington**
Used professional panelists and research to bridge theory and practice in "Children of Incarcerated Parents."

Instructor, Center for Legal Studies **Fall 2018**
Seattle Central Community College **Seattle, Washington**
Instructed legal professionals in advanced paced paralegal certification program, covering substantive areas of law and administrative procedure.

Green River Community College **January 2010-June 2017**
Adjunct Professor, Business Division **Kent/Auburn, Washington**
Taught various legal topics including civil procedure, torts, criminal law, and contracts. Responsible for developing and reviewing course material, student assignments and evaluations, and providing academic support.

Tacoma Community College **September 2012-June 2014**
Tenure Track Faculty Member, Paralegal Program **Tacoma, Washington**
Developed curriculum reflective of ABA approval requirements and learning outcomes and taught various legal courses (civil procedure, torts, interview and investigations). Participated in program review and assessment.

Teaching Fellow, Basic Legal Skills **September 2003-May 2004**
University of Washington School of Law **Seattle, Washington**
Instructed groups of first year law students in legal analysis, research, and writing.

ANDREA S. JARMON

T: [REDACTED] | F: [REDACTED]
[REDACTED]

OTHER EXPERIENCE

Volunteer Intern
Capetown Southern Divorce Court & Family Law Center

Spring 2000
Capetown, South Africa

PRESENTATION/ PRINT/PUBLICATION PROJECTS

“Institutional Racism in the Courts: Truth, Reconciliation, and Connection.” Facilitator, WSBA CLE, Aug 2021.

[“Lawyers Against Systematic Racism: How Pierce County Lawyers Reimagined Their Role as Community Allies in The Movement For Systematic Change.”](#) Bar News, July/Aug. 2021.

[“Take it from a WSBA Volunteer: A Q & A with Andrea Jarmon.”](#) NW Sidebar, Apr. 22, 2021.

“Understanding Systematic Racism in the Law.” Facilitator, WSBA CLE, Mar. 2021.

[“The Future of Legal Services with Rohan Pavuluri, Andrea S. Jarmon, and Andrew Arruda.”](#) Institute for the Advancement of the American Legal System: University of Denver, Aug. 2020.

[“Spectating is Enabling.”](#) Guest on Apoplectic: The FBomb Podcast, July 2020.

[The state Supreme Court has failed Washingtonians who need affordable legal services.](#) The Seattle Times, July 2, 2020, Bill Neukom, Andrea Jarmon, and Mark Hutcherson.

[“Seeking and Celebrating Rainbows: Reflections on Service as a WSBA Governor.”](#) NW Lawyer, Sep. 2017.

“My Journey to Law School.” Legal Talk Network, Aug. 2016. <https://legaltalknetwork.com/guests/andrea-jarmon/>

“Creating an Inclusive Workplace for Attorneys with Disabilities.” Facilitator, WSBA CLE, June 2015.

[“Move Forward but Look Back: My Path to Tacoma Community College.”](#) Una Voce, Summer 2014.

“Nazrah: A Muslim Woman’s Perspective.” Film participant, 2005. (Participated as Andrea S. Harris, 2004)

“Choosing the Lesser Evil: Violence of Welfare Stereotype.” *Women, Poverty & the Promise of Education in America*. Adair, Vivyan & Dahlberg, Sandra, eds, Philadelphia: Temple University Press, 2003. (Authored as Andrea S. Harris, 2003)

“A Review of Gisela Webb’s *Windows of Faith: Muslim Women Scholar-Activists in North America*.” *Azīzab: For the Contemporary Muslim Woman*. Spring 2001. (Authored as Andrea S. Harris, 2001)

[“Our Hair is Literally a Crown: Washington Lawmakers Consider Ban on Race-based Hair Discrimination.”](#) OBP, Jan. 29, 2020. Quoted in article and in audio.

ANDREA S. JARMON

T: [REDACTED] | F: [REDACTED]
[REDACTED]

PRESENTATION/ PRINT/PUBLICATION PROJECTS

“New graduate teaches lesson in overcoming obstacles.” Seattle Post Intelligencer, June 12, 1995. (Featured in news article as Andrea S. Harris)

“Against the odds, single mother makes progress towards dreams.” Seattle Post Intelligencer, February 16, 1997. (Featured in news article as Andrea S. Harris)

MEMBERSHIPS/PROFESSIONAL ASSOCIATIONS

Washington State Bar Association	June 2005
Puyallup Tribal Court Bar	November 2014
Pierce County Minority Bar Association, General Member	June 2019
Lawyers Against Systematic Racism (LASR), General Member	September 2020

PROFESSIONAL LEADERSHIP/PRO BONO/VOLUNTEER ACTIVITIES

Advisory Committee Chair, Office of Public Defense	December 2021
Under RCW 2.7.030, appointed by the Washington State Supreme Court to Chair committee, which is responsible for making policy recommendations, approving budget requests, and advising director regarding administration and oversight of office's programs.	

Family Treatment Court Steering Committee	May 2020-Present
Under guidance of Administration of Courts, work with committee members to review and make recommendations for best practices in family treatment court programs.	

Industry Advisory Council, Legal Studies Program American Public University System	April 2021-Present
Provide review of legal course materials and objectives to help ensure content reflects industry needs.	

General Board Member YWCA-Pierce County	February 2020-April 2022 Tacoma, Washington
As a general board member, participated in meetings, approved budgets, and worked to advance mission.	

Presenter, Volunteer Seattle Youth Court	October 2012-Present King County, Washington
With another judicial colleague, provide presentations to youth court participants on various topics as requested.	

Volunteer, Federal Way Legal Clinic King County Bar Association Neighborhood Legal Clinic	2012-2021 King County, Washington
Performed pro bono legal clinic volunteer work in Federal Way Public Library, providing free legal advice, assisting in reviewing and drafting forms, and identifying other resources.	

ANDREA S. JARMON

T: [REDACTED] | F: [REDACTED]
[REDACTED]

Summit Facilitator/Participant

Washington State Attorney General's Office

Participated and facilitated work group in [Vulnerable Adult Summit](#) spearheaded by former AG McKenna that brought together more than 100 professionals from around the state tasked with identifying critical issues impacting vulnerable adults and establishing a list of priorities and work groups.

June 1, 2007

Olympia, Washington

LEGISLATIVE ACTIVITY/ADVOCACY

[HB 5331: Early Childhood Court Programs](#)

To ensure protections for families of color in dependency, recommended amendments to proposed bill that emphasized safe reunification; best practices, diversity in training and program participants, and collecting data.

April 2021

[HB 2602: Concerning hair discrimination](#)

Washington State Legislature

Testified in support of bill that would amend Washington Law Against Discrimination so as to add a definition of face and include protection against discrimination based upon hair texture and style.

January 2020

Olympia, Washington

TRAINING CERTIFICATES AND TRAINING PRESENTATIONS

Training Presenter, Investigator Fraud Academy

Washington State Department of Labor and Industries

March 2011

Olympia, Washington

Recipient of Certificate of Training

National Association of Medicaid Fraud Control Units

February 2009

Seattle, Washington

BAR ASSOCIATION BOARD/COMMITTEE WORK

Court Appointed Member

Washington State Supreme Court WSBA Workgroup

March 2019

Attorney Volunteer Member

Limited Legal License Technician Board

September 2017-2020

[Diversity Committee Co-Chair](#)

Washington State Bar Association

September 2020-September 2021

District 8 Representative, Board of Governors (BOG)

State Bar Association

As Governor for District 8, worked with the BOG and bar staff to approve budgets, implement policies, and engage membership, with focus on championing justice and serving the public. Received training on governance, diversity and inclusion, infrastructure of bar association, and acted as liaison to committees.

September 2014-September 2017

Washington State

BAR ASSOCIATION JUDICIAL CANDIDATE RATINGS

Loren Miller Bar Association

Rating Superior Court

Exceptionally well qualified

April 2021



LEMONIDIS CONSULTING & LAW GROUP, PLLC

701 Fifth Avenue, Suite 4200, Seattle, WA 98104 | (206) 926-6700 | www.lemonidislaw.com

April 14, 2021

Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

**UPLOADED TO VOLUNTEER APPLICATION
LINK ON WSBA WEBSITE**

**RE: WSBA Volunteer Application for the Diversity Committee
Cover Letter**

Dear WSBA Diversity Committee Members:

My name is SaNni M-K Lemonidis and I am interested in volunteering on the Washington State Bar Association Diversity Committee. I previously ran for the At-Large Position with the Board of Governors. Although I was not successful with my bid, I want to serve the Diversity Committee in whatever capacity that I can be of use. I see this volunteer opportunity as a great way to serve the WSBA community and contribute to important issues that directly impact my fellow bar members. I believe that my unique background, legal experience and passion for diversity, equity and inclusion education give me a valuable and distinct perspective that will serve the WSBA Diversity Committee well during these tumultuous times.

As a bi-racial woman who passes for white, I occupy a unique space in our society that I am still learning to navigate. My mother immigrated to the states from Norway when she was a young adult, and my father was a black man who was raised in the south during the time of segregation. From a very young age, I have been taught to be keenly aware of the privilege that my light complexion affords me. And over the course of my lifetime, I have learned to harness that privilege and be a voice for marginalized people of color.

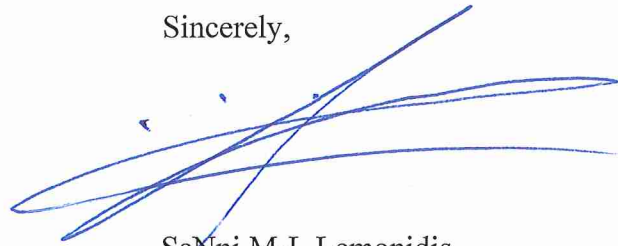
For the past 14 years it has been my honor to practice union-side labor law in Seattle. Throughout my legal career, I have represented a variety of labor organizations all with distinct industry practices. The one overarching issue that each of my client organizations face is being able to meet the challenge of creating a diverse and inclusive working or learning environment. Diversity awareness matters not only because homogeneity harms traditionally marginalized people, but also because it harms our community as a whole. I am fervent about promoting racial and ethnic equity in our society and I bring that passion into every aspect of my personal and professional life. For example, I have developed a series of training programs that help my clients

WSBA Diversity Committee Members
April 14, 2021
Page Two

combat racial bias in their organizations and build cultural competence in their leadership. My training programs help create a more inclusive and equitable working environment for my where everyone can have an opportunity to succeed.

I want to bring this same passion and commitment to the WSBA Diversity Committee as a new volunteer. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a cursive-like shape.

SaÑni M-L Lemonidis

SaNNi M-K Lemonidis

701 Fifth Avenue, Suite 4200, Seattle, Washington 98104 sanni@lemonidislaw.com (206) 926-6700

LEGAL EXPERIENCE

Lemonidis Consulting & Law Group, PLLC, Seattle, WA June 2020-Present

Founder & Managing Principal: In addition to managing the firm's business operations and legal team, provides advice and counsel to a variety of unions on a range of employment and labor law matters, including regulatory compliance and enforcement of state and federal prevailing wage laws, federal and state anti-discrimination and leave laws, collective bargaining, contract administration, employee representation, internal union affairs and administration.

Lead Facilitator and Educator for the firm's workplace training and consulting practice which specializes in developing meaningful diversity, equity, and inclusion strategies. Responsible for designing and deploying a wide range of training modules that help organizations of all sizes, educate their constituents on how to promote and sustain a discrimination and harassment free work environment. Consults with non-profits and labor organizations across a broad spectrum of industries, on how to successfully incorporate DEI practices and principles within their internal administration.

Robblee Detwiler & Black, PLLP, Seattle, WA April 2008-April 2020

Partner: Led the firm's education and training practice; developed a wide range of training modules to help organizations of all sizes educate their officers, staff, shop stewards, business agents, apprentices and instructors on how to promote and sustain a working and learning environment free from discrimination and harassment. Represented union clients and its members at arbitrations, unpaid wage claims in state court, and NLRB and PERC proceedings; provided advice concerning a variety of labor matters including issues of contract interpretation; pensions and benefits, compliance with state and federal leave laws, discipline, discharge, seniority, discrimination and harassment.

EDUCATION

Northeastern University School of Law, Boston, MA Juris Doctor, May 2007

Advanced Coursework: First Amendment, Employment Law: Job Rights and Security, Labor Arbitration Workshop, Labor Law I, and Negotiations.

Legal Internships: **Barnard Iglitzin & Lavitt, LLP, Seattle, WA** Spring 2007, **Shelter Legal Services Foundation, Inc., Boston, MA**, March 2006-February 2007, **Seyfarth Shaw, LLP, Boston, MA**, Fall 2006, **Massachusetts Teachers Association, Boston, MA**, Spring 2006, **Judge Robert B. Collings, U.S. District Court (D. Mass.), Boston, MA**, Fall 2005.

University of Washington, Seattle, WA
Bachelor of Arts in English Literature, June 2004

Honors: Dean's List

ADMISSIONS

- Washington State Bar
- U.S. District Court, W.D. Washington
- U.S. District Court, E.D. Washington

MEMBERSHIPS & PROFESSIONAL ENGAGEMENT

- Member, AFL-CIO Union Lawyers Alliance and past Member of its Board of Directors
- Member, Loren Miller Bar Association
- Member, Labor & Employment Law Sections, Washington State and King County Bar Associations
- Member, Labor and Employment Section, American Bar Association
- Member, Mother Attorneys Mentoring Association
- Member, Washington State Bar Association, Solo & Small Firm Section
- Member, Dynamic Women's Committee
- Director, Board of Directors for Roanoke House Counseling Services
- Presenter, AFL-CIO Union Lawyers Alliance Conferences
- Presenter, Labor & Employment Relations Association
- Volunteer, WSBA DEI Counsel and Co-Chair of the Definition of Diversity Workgroup

LANGUAGE SKILLS

Norwegian: Ten years formal classroom training; proficient in reading and writing the language.

Spanish: Four years formal classroom training; proficient in reading and writing the language.

PROFESSIONAL REFERENCES

Daniel Hutzenbiler, Partner

McKanna Bishop Joffe
Portland, Oregon
[REDACTED]

Daniel Swedlow, Partner

Seyfarth Shaw, LLP
Seattle, Washington
[REDACTED]

Terry C. Jensen, Staff Attorney

IAM Local 160
North Bend, Washington
[REDACTED]

Richard A. Mullane, Staff Attorney

Massachusetts Teachers Association
Quincy, Massachusetts
[REDACTED]

MARIA “MIA” SCAVELLA LITTLE

mia.scavella@gmail.com

EXPERIENCE

MICROSOFT

Corporate Counsel, Digital Crimes Unit

Redmond, WA
Nov 2020-Present

- Identifies and develops new legal strategies to support technical countermeasures for the purpose of neutralizing, disrupting, or diminishing the propagation of malware and ransomware used by cyber-criminals to attack businesses, governments, and users globally across a variety of platforms and devices
- Identifies and anticipates legal risks in the client's business, technology, and/or public policy, and proposes solutions to mitigate future risk
- Conducts, reviews, interprets, and analyzes legal information
- Monitors business activity to ensure legal compliance policies/standards are followed
- Collaborates effectively within Legal and Corporate Affairs work group and direct business clients

Senior Security/Privacy Incident Response Program Manager

Feb 2018-Oct 2020

- Led the design and implementation of security incident response for the Microsoft air gap clouds, including procedure writing, program testing, and compliance reviews
- Led security and privacy crisis management for the highest severity incidents that affect multiple business organizations across Microsoft and the air gapped clouds
- Consulted with stakeholders from across the company to ensure the implementation of by-design security and privacy practices in Microsoft's products and services
- Conducted Data Protection Impact Assessments to minimize risk across Cloud & Artificial Intelligence products and services while keeping Microsoft in compliance with global laws & regulations such as GDPR and CCPA.

FUTURE OF PRIVACY FORUM

Law Clerk

Washington, DC
Sept 2017-Nov 2017

- Supported Policy Counsel in developing and evaluating data practices in the consumer and commercial sector by shaping corporate practices
- Evaluated privacy concerns related to current commercial and consumer technologies such as Big Data and the Internet of Things, connected cars, ad tracking, mobile location data use, and smart cities

GOOGLE PUBLIC POLICY FELLOW, OPEN TECHNOLOGY INSTITUTE

Legal Fellow

Washington, DC
June 2017-Aug 2017

- Researched and analyzed policy issues related to consumer privacy, open government, government surveillance, data security, and net neutrality
- Attended and contributed to government and industry meetings, conferences, and other advocacy activities

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE GENERAL COUNSEL

Law Clerk

McLean, VA
May 2016-Aug 2016

- Researched and analyzed legal topics related to the Freedom of Information Act (FOIA), Equal Employment Opportunity (EEO), Foreign Intelligence Surveillance Act (FISA), Information Assurance, Cyber, and Contract Acquisitions for oral and written presentations to senior officials and attorneys
- Drafted memoranda on policy and legal issues facing the Intelligence Community
- Revised and vetted regulations on internal policy directives

U.S. DEPARTMENT OF DEFENSE, National Geospatial-Intelligence Agency

Intelligence Oversight Officer/Data Scientist

Washington, DC
Sept 2015-May 2016

- Provided analytical guidance, case management, and overseas field collection support
- Leveraged emerging communication and geospatial technologies to support overseas operations and national security information needs
- Produced Intelligence Oversight (IO) reports, ensured 100% compliance with mandatory annual IO training, and facilitated both Office of Inspector General (OIG) inspections and Office of General Counsel (OGC) visits

- Served as liaison on all IO matters within the office, delivered immediate reporting of questionable intelligence activities of significant or highly sensitive matters to the OGC and the OIG

MARY KAY INC.
Data Privacy Officer

Dallas, TX
Jan 2013-Sept 2013

- Developed and reviewed company policies and procedures to ensure consistency with applicable laws and regulations for the protection of personally identifiable information
- Monitored changes in State and Federal legislation and accreditation standards
- Initiated periodic information privacy risk assessments and developed action plans to minimize the risk of data breaches

EXECUTIVE BRANCH, DIRECTORATE OF SCIENCE AND TECHNOLOGY
Lead Technical Targeting/Telecommunications Analyst

Washington, DC
June 2011-Aug 2015

- Provided analytical support to battle staff and operational-level planning officers on national security topics
- Enabled intelligence collection against our nation's highest priority threats in a hostile, fast-paced, and technologically savvy global environment
- Identified and assessed entities, vulnerabilities, and technology trends to pursue effective collection operations on critical intelligence issues
- Liaised with Federal Government counterparts in key working groups at the ODNI to address high priority issues for policy makers

NATIONAL SECURITY AGENCY

Washington, DC
Oct 2007 - May 2011

Intelligence Analyst/Arabic Linguist/Digital Network (Cyber) Analyst

- Produced high priority reports for tactical and strategic level customers using foreign language material and full spectrum analysis to support National Security interests
- Applied innovative techniques and developed creative solutions to address analytic problems in datasets
- Mentored peers by guiding their development of high priority objectives and supporting their acquisition of technical skills and techniques for Digital Network Analysis

EDUCATION

SEATTLE UNIVERSITY SCHOOL OF LAW

Seattle, WA
May 2019

Master of Laws (LL.M) in Innovation & Technology Law

- Relevant Coursework: Managing Privacy Risks, Financial Technology, Cybersecurity & Data Breach Law, Internet Law & Digital Commerce, Technology & Ethics

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW

Washington, DC
Dec 2018

Juris Doctor

- Relevant Coursework: Information Privacy, Intellectual Property in Cyberspace, Computer Crime Seminar

JOHNS HOPKINS UNIVERSITY

Baltimore, MD
Jan 2010

Master of Science in Intelligence Analytics

MIDDLEBURY COLLEGE

Middlebury, VT
May 2007

Bachelor of Arts in International Studies with a concentration in Arabic & Islamic Studies

ADDITIONAL INFORMATION

- **Bar Admission:** State Bar of Washington, August 2020
- **Security Clearance:** Active Top Secret w/ Polygraph
- **Languages:** Brazilian Portuguese, Modern Standard Arabic, Moroccan Arabic
- **Professional Associations:** Eastside Legal Assistance Program – Board Member, Women in Security & Privacy, Legal Hackers, Washington State Bar Association Diversity, Equity & Inclusion Council – Member
- **Programs:** Palantir, ArcGIS, Tableau, Analyst Notebook, LexisNexis, Westlaw, PACER
- **Certifications:** GIAC Law of Data Security and Investigation (GLEG) and enrolled in the GIAC Cyber Threat Intelligence (GCTI) certification course
- **Pro bono Work:** Seattle Clemency Project, Legal Hope, Street Law

To Whom It May Concern,

I am eagerly reaching out to you about a volunteer opportunity with the DEI Council.

I am currently a staff attorney with QLaw Foundation. I lead the legal programming of our organization. This role includes overseeing the legal clinics, managing our attorney referral network, supervising our direct representation clients, participating in impact litigation, and conducting CLE trainings, as well as public speaking opportunities that further our organization's mission. I believe this work aligns well with what this council aims to accomplish.

At QLaw Foundation, we are seeking to increase access to justice for our LGBTQIA2S+ siblings and realize this has to be done through advancing diversity, equity and inclusion in the legal profession and legal system as a whole. Therefore, we regularly collaborate with community leaders, legal organizations, and participate in legal coalitions to increase the momentum on these objectives.

I am also transitioning out of my private practice, where I predominantly handle misdemeanor and felony level criminal matters. In addition to my standard clients, I offer pro bono and low bono legal advocacy for victims and family members of victims of crime, protestors that have been arrested during social justice movements, and members of the LGBTQIA2S+ community. I also offer legal services for small business entrepreneurs and non-profit organizers, assisting with matters such as determining a business structure, incorporation, and drafting foundational industry-centered business documents.

Through my work as an attorney and lifelong volunteer, I have had opportunities to speak at community functions, co-present on informational panels with other attorneys and non-attorneys, and hold meetings with community leaders and stakeholders regarding DEI and LGBTQIA2S+ topics.

Aside from law school, my educational background includes a double major in human rights and psychology, as well as a minor in philosophy. I have a deeply held belief that there is no such thing as a lesser human being and that every individual deserves basic human rights regardless of their position in society. I am also of the philosophy that an ethical framework for society is one that empowers and uplifts those in community that need it the most.

I look forward to the possibility of serving with you all. Thank you for your time.

In Solidarity,
A Hopeful Council Member

Employment and Internship Experience

Staff Attorney, April 2022 – Present

QLaw Foundation, Seattle, Washington

Serve LGBTQ2S+ communities with civil legal aid. Promote the dignity and respect of LGBTQ2S+ Washingtonians within the legal system through advocacy, education, and legal assistance. Conduct trainings and speak publicly on legal matters that intersect with LGBTQ2S+ communities. Serve as an ambassador to the organization and embody its values and mission in partnerships with other community leaders, organizations, and coalitions.

Founder and Attorney, September 2018-Present (currently contract associate basis)

Pride Law, PLLC, Seattle, Washington

Manage a solo practice criminal defense law firm. Conduct the client intake process. Evaluate and assess cases. Investigate and research case information, interview witnesses, and negotiate cases. Handle matters from pre-filing statuses to trial, as well as post-sentencing. Work with service providers and third parties to ensure clients are receiving the necessary care for best outcomes. Assist clients with finding services and the management of their services. Lead marketing and branding campaigns, oversee daily operations, and ensure an excellent client experience.

Deputy Prosecutor Assistant Attorney (Contract Basis), January 2018-June 2018

King County Prosecuting Attorney's Office, Seattle, Washington

Represented the state of Washington in a criminal misdemeanor district courtroom. Arraigned defendants and conducted bail hearings. Conducted pretrial and disposition hearings. Generated and negotiated plea agreements with defendants and counsel. Conducted change of plea and sentencing hearings. Managed motions and trial preparation. Handled motions hearings and trials. Updated case profiles in case management systems. Conducted negotiations and witness interviews. Conducted legal research and writing. Represented the state during post-sentencing reviews and compliance hearings.

Associate Attorney, October 2017-December 2017 (contract employment)

Civil Rights Justice Center, Seattle, Washington

Provided clients with legal representation regarding civil rights matters. Investigated, researched, and provided legal analysis for § 1983 Civil Action for deprivation of rights cases. Focused on police misconduct cases and advocated for the protection of rights, including the First, Fourth, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution. Employed on a contract basis.

Legal Fellow, June 2016-November 2016

Arizona Legal Women and Youth Services (ALWAYS), Phoenix, Arizona

Conducted legal and policy research regarding immigration, family, juvenile, and traffic law matters. Served as an ambassador for the law firm's mission to represent clients that have been subject to domestic violence, family violence, and human trafficking. Wrote and edited the organization's handbook regarding the juvenile justice process,

The Handbook for Navigating the Arizona Juvenile Justice System Through Adjudication. Provided ongoing support to the legal staff for legal matters, including legal writing and client interviews.

Law Clerk Extern, June 2016-August 2016

Robert J. Campos & Associates, Phoenix, Arizona

Conducted research, composed legal briefs and memorandums, and provided thorough legal analysis for criminal law trial court cases. Conducted in-custody client interviews, as well as in-office interviews. Managed client files and spoke with clients directly for progress reports. Assisted the supervising attorney as second chair in criminal law proceedings, including trial.

Law Clerk Intern, January 2016-May 2016

National Association for the Advancement of Colored People (NAACP), Phoenix, Arizona

Conducted research and legal writing pertaining to racial discrimination matters and prisoner's rights. Reviewed incoming legal inquiries and drafted response letters. Conducted client interviews and processed legal complaints by priority.

Superior Civil Courts Mediator and Clinic Mediator, January 2016-June 2016

Arizona Summit Law School Mediation Clinic, Phoenix, Arizona

Conducted volunteer mediation services for Maricopa County Superior Courts throughout the county, as well as pre-court matters at the law school clinic. Conducted preliminary research on parties to be mediated. Completed documents for dispute cases, and updated data in the court's internal database. Mediated civil matters with opposing parties. Served as an ambassador for the mediation clinic.

Legal Intern, August 2015-December 2015

Law Office of Benjamin Taylor, Phoenix, Arizona

Provided legal and administrative support to attorney Benjamin Taylor. Conducted research for cases predominantly in the criminal law and civil rights fields. Completed memorandums for the attorney. Handled client intake processes, including preliminary client screenings.

Personal Assistant and Project Manager, May 2012-February 2015

Office of Malia Litman, J.D., Dallas, Texas

Assisted civil litigation attorney Malia Litman. Conducted research for personal cases, literary works, and online blogs. Managed special projects, office duties, and maintained correspondence with vendors in person, as well as through telephone and email correspondence. Drafted documents and reports. Assisted in several Freedom of Information Act (FOIA) request projects.

Owner and Managing Personal Trainer, February 2010-February 2015

Digg Fitness Mobile Personal Training, Dallas, Texas

Managed a mobile personal training company, including the staff of trainers and clientele. Conducted presentations and developed training curriculums. Corresponded

with local businesses and managed relationships pertaining to the fitness industry. Maintained client charts and updated progress reports.

Police Officer and Deputy Sheriff, March 2007-July 2009

The City & County of Denver, Denver, Colorado

Police Officer: Participated in the investigation of criminal activity, the apprehension and arrest of violators of criminal and traffic laws, and the regulation of non-criminal conduct. Wrote detailed reports used to support the prosecution of crimes and attended related court hearings and trials.

Deputy Sheriff: Managed and ensured prisoner safety and security in detention and courtroom settings, as well as transportation settings. Wrote reports and utilized government internal databases to complete procedures.

Bar Admissions

Washington State Bar

Education

Arizona Summit Law School, Phoenix, Arizona Graduated December 2016 Juris Doctor

Southern Methodist University, Dallas, Texas, Graduated May 2014 Bachelor of Arts in Psychology, Bachelor of Arts in Human Rights (Public Policy Track), Philosophy Minor

Richland College, Dallas, Texas, Graduated December 2011 Associate of Arts

Skills

Negotiations	QuickBooks
Legal Research and Writing	Project Management
Investigations	Social Media Management
Mediation	Legal Compliance
Mentorship	LexisNexis
Management	Westlaw
Microsoft Office	Public Speaking
Internet Research	Outreach and Communications
Policy and Program Development	Risk Assessment
Law Enforcement & Military Experience	Training Presentations

Certifications and Trainings

The People's Institute, 2022

Humanitarian Law Workshop, Arizona State University October 2016

Legal Observer Training, National Lawyers Guild February 2016

Mediation (40-hour Certification), Arizona Summit Law School July 2015

Family Mediation and Domestic Violence Certification, Interaction Management
Associates July 2015

April 18, 2023

Washington State Bar Association
Board of Governors

Re: Volunteer Application to the DEI Council

Dear Governors:

My name is Sharon Sakamoto and I submit my application to volunteer with the State bar on its Diversity Equity and Inclusion Council.

I am soon to complete my first two-year term and have participated in working with others on the council to achieve a greater awareness of the wealth of lived experience among our many members and the respect we can all have for one another and our many communities.

I came to the Council in 2021 keenly aware of the need for WSBA to expand its knowledge, views and visions regarding our diverse profession and the many communities with whom we work and to whom we deliver services. The Council has proved itself a valued and valuable opportunity to work with others to that end.

I ask for appointment for another two-years to work with others on the Council to see and learn the depths and heights of the 2023 landscape for the WSBA and to use our expanded views and broader visions to continue to build a respectful and respected law profession in Washington State for many years to come.

Very truly yours,



Sharon A. Sakamoto

SHARON A. SAKAMOTO

Sharon Sakamoto is a third generation Japanese American born in Camp Minidoka, Idaho in 1943. In 1946 her family returned to their home in Seattle, Washington where she lived until 2016 when she moved to Shoreline.

Sharon graduated from Seattle University in 1965 with a Bachelor of Education degree and taught in Seattle Public Schools for 16 years before attending law school. She graduated from Seattle University School of Law in May 1984. Her introduction to law, even as a law student, involved working on the Committee for Justice for Domingo and Viernes in their suit against President Ferdinand Marcos of the Philippines and on the legal team for the Gordon Hirabayashi *coram nobis* case, *Hirabayashi v. United States of America*.

Sharon began her legal career as a sole practice attorney in July 1985, opening an office in the International District to provide general legal services to underserved communities. In 1990, she formed a small law partnership, Kawakami & Sakamoto, which dissolved when she joined Russell M. Aoki to form Aoki & Sakamoto LLP in October 1996. She practiced law in downtown Seattle at Aoki & Sakamoto LLP-1996-2005, Aoki Sakamoto Grant, LLP-2005-2009 and Sakamoto & Hamamoto, LLP-2009-2012. In her years of practice, her work consisted of estate planning, guardianships and probates; business formations and transactions; and subcontracting to various bond counsel on municipal and public finance bond issues.

Through her legal career, Sharon served on the Joint Advisory Commission on Education (Seattle Public Schools), 1987-88; The City of Seattle, Civil Service Commission, 1989-97; and, as an arbitrator for the New York Stock Exchange, 1986-93. She also served on the boards of the Center for Human Services, the Chief Sealth Council of the Boy Scouts of America, The Defender Association (one of King County's public defender organizations), Kawabe Memorial House (an affordable senior housing facility) and the King County Bar Association. Sharon served on the initial board of the Washington Leadership Institute in 2004. She was president of the Asian Bar Association of Washington ("ABAW") for two terms during its formative years (1987-1989) and remains a lifetime member of the ABAW.

Currently, Sharon is semi-retired. She maintains her law license and her membership in the Washington State Bar and the King County Bar Associations.

Alec Stephens Legal & Professional Bio

Alec Stephens is an attorney specializing in civil rights law and policy and serves as a member of the Washington State Bar Association (WSBA) Board of Governors (BOG) from 2017 to 20. He was elected for another 3-year term which ends in 2023. As a member of the Board of Governors, he also served on the Executive Committee, was Chair of the Personnel Committee, and served as BOG Co-Chair of the WSBA Diversity Committee. Prior to serving on the BOG he also served two terms as Chair of the WSBA Civil Rights Law Section. He is currently serving as chair of the WSBA Equity and Disparity Workgroup, authorized by the BOG in response to the national dialogue on racism and unlawful use of force. He was also Parliamentarian for the BOG.

Mr. Stephens received his law degree from the University of Puget Sound (now Seattle University) law school, and a Bachelor of Business Administration from the University of Miami (Fla.).

Alec has been a civil rights lawyer since his admission to the Bar in 1981 and was national co-director of the Law Students Civil Rights Research Council, and national co-chair of the National Lawyers Guild Affirmative Action/Anti-Discrimination Committee. In 1981, Alec began his legal and professional career as Northwestern Regional Attorney for the U.S. Commission on Civil Rights.

With the restructuring of the Civil Rights Commission, he served as Director of Economic Development and Employment at the Seattle Urban League in 1985 and began work on contracting opportunities for Minority and Women's Business Enterprises at the Municipality of Metropolitan Seattle (Metro) in 1986. Over the next nine years, Alec was a M/WBE Specialist, Supervisor, and Liaison Officer on the West Point Treatment Plant Construction Project. Shortly after the consolidation of Metro with King County, Alec was recruited in 1995 to join the Regional Transit Authority (RTA—now Sound Transit) to put in place and implement Disadvantaged Business Enterprise, Title VI Compliance and Employment and Contracting programs and policies.

In late 2014 he retired as Diversity Technical Advisor in the Diversity Programs Office of Sound Transit, where he was the initial manager and architect for diversity programs to provide contracting and employment opportunities for People of Color and Women, was on the negotiating team and oversaw implementation of Sound Transit's Project Labor Agreement, and coordinated the Agency's compliance with federal non-discrimination requirements in accordance with Title VI of the 1964 Civil Rights Act.

Active in civic affairs, he has served as a member of the City of Seattle Parks Levy Oversight Committee and was the first chair of the Seattle Public Schools Disproportionality Task Force. Having an interest in politics, he has held leadership positions in Democratic Party politics at the legislative district, county and state levels, including 10 years as chair of the state Affirmative Action Committee, and two terms as a 37th Legislative District Chair (1999-2000 & 2017-18). As a parishioner of St. Therese Catholic Church, he is former member and chair of the Pastoral Council and served as a volunteer speech & debate teacher at the St. Therese Catholic Academy.

Married to Helena Stephens, they live in the Seward Park neighborhood in southeast Seattle.

Alec Stephens
5718 55th Ave., S.
Seattle, Washington 98118

(206) 941-5690 (Office/Voice-mail Messages)
Alecstephensjr@gmail.com

SUMMARY: A lawyer specializing in civil rights, human rights, and equal opportunity laws and policies, with experience as an administrator, researcher, writer, and policy analyst.

EDUCATION/LICENSES:

University of Miami, Coral Gables, Florida. Bachelor of Business Administration, December 1975
(Major: Business Management & Organization).

University of Puget Sound (now Seattle University) School of Law, Tacoma, Washington. Juris
Doctor, August 1980.

Admitted to the Washington State Bar Association, 1981.

EMPLOYMENT HISTORY:

2015 to Present: Owner, Alec Stephens Consulting

2006 – 2014: Diversity Programs Technical Advisor, Sound Transit, Seattle, Washington (Retired)

1997 – 2006: Diversity Programs Manager, Sound Transit, Seattle, Washington.

1995 – 1997: Minority/Women/Disadvantaged Business Enterprise (M/W/DBE) Program
Supervisor, Regional Transit Authority, Seattle, Washington.

1994 - 1995: Senior Minority & Women Business Enterprise and Contract Compliance Specialist,
King County Department of Metropolitan Services (Metro), Seattle, Washington.

1992 - 1994: Minority and Women Business Enterprise Liaison Officer, West Point Construction
Project, Municipality of Metropolitan Seattle (Metro), Seattle, Washington.

1988 - 1991: Acting Supervisor and Supervisor of Minority & Women Business Enterprise and
Contract Compliance Section, Metro, Seattle, Washington.

1986 - 1988: Minority & Women Business Enterprise and Contract Compliance Specialist,
Metro, Seattle, Washington.

1985 - 1986: Director of Economic Development & Employment, Seattle Urban League, Seattle,
Washington.

1981 - 1985: Regional Attorney, U. S. Commission on Civil Rights, Northwestern Regional Office,
Seattle, Washington.

1980 - 1981: Staffperson, National Lawyers Guild Seattle Chapter, Seattle, Washington.

1979 - 1980: Intern, Equal Employment Opportunity Commission, Seattle District Office (EEOC - Law Students Civil Rights Research Council Internship Program), Seattle, Washington.

1978 - 1979: National Co-Director, Law Students Civil Rights Research Council, Atlanta, Georgia.

PROFESSIONAL ASSOCIATIONS:

Member - Washington State Bar Association (WSBA)

WSBA Civil Rights Law Section

WSBA Sections Policy Work Group (2016)

Loren Miller Bar Association

Officer - National Co-Chair, National Lawyers Guild Affirmative

Action/Anti-Discrimination Committee (1980 - 1983)

President, National Conference of Black Lawyers, Northwest Chapter (1987 - 1988)

Vice President, National Conference of Black Lawyers, Northwest Chapter (1982, 1983 and 1985)

Trustee, Civil Rights Law Section, Washington State Bar Association (2011-2012)

Chair-Elect and Chair, Civil Rights Law Section, Washington State Bar Association (2013 - 2016)

Immediate Past Chair, Civil Rights Law Section, Washington State Bar Association (2016 -2017)

Board of Governors (BOG), At-Large Member, Washington State Bar Association (2017 to Present)

BOG Executive Committee (2018-20 & 2022-23)

BOG Chair, Personnel Committee (2019-20 & 2022-23); Co-Chair (2021) & Member (2017 to Present)

BOG Co-Chair, WSBA Diversity Committee (2017-19) & Member (2017 to Present)

BOG Member, Budget & Audit Committee (2017-20 & 2021 to Present); Legislative Committee (2019-20 & 2021-23)

Chair, WSBA Equity & Disparity Workgroup (2020 to Present)

BOG Parliamentarian (2020-21)

CIVIC ORGANIZATIONS AND ACTIVITIES:

Member, Leadership Tomorrow, Class of 2008

Member, (Pro) Parks Levy Oversight Committee, City of Seattle (October 2005 to September 2015)

Member, Pastoral Council, St. Therese Catholic Church (July 2004 to 2010); Co-chair (July 2005 to 2009)

Chair, Long Range Planning Team, St. Therese Catholic Church (2009 to 2010)

Chair, Principal's Search Team, St. Therese Catholic School (2010-11)

Chair, Affirmative Action Committee, Washington State Democratic Party (August 2005 to February 2017)

Volunteer Teacher, Speech & Debate, St. Therese Catholic Academy, 2015-16 School Year through First Trimester 2016-17 School Year.

Instructional Leader, "Know Your Government" Preparatory Course for Seattle 4H Youth (1992 to 2006)

Member, Education & Marketable Skills Task Force, Greater Seattle Effort for the Summit for America's Future, "A Sound Promise for Youth, 1997

Leadership Council, "It's About Time for Kids" Initiative, 1996-to 1999

Governor's Federal Funding Roundtable for Families and Children, 1996

Chair/Facilitator, King County Consortium of Community Public Health and Safety Networks (1995 – 1997)

Chair and Board Member, Seattle Area Community Public Health and Safety Network (Seattle City Council Representative, Appointed 1994, Chair 1995 to 1997).

President, African American Academy of Seattle Public Schools PTA (1993-94 and 1994-95 School Years).

Member, Church Council of Greater Seattle Board of Directors (1993 - 1996).

Chair, Disproportionality Task Force, Seattle Public Schools (1985-90).

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PUBLICATIONS:

U. S. Commission on Civil Rights, Northwestern Regional Office, Statement, "External Review of Complaints of Police Misconduct in Portland, Oregon" (1982).

U. S. Commission on Civil Rights, Northwestern Regional Office, Bringing an Industry into the 1980's: Affirmative Action in Seafood Processing (1983). (Conducted legal sufficiency review and editorial review.)

U. S. Commission on Civil Rights, Northwestern Regional Office, Bigotry and Violence in Idaho (1985).

PERSONAL:

Married to Helena Stephens since 1992; 5 adult children; 5 grandchildren

REFERENCES:

Furnished Upon Request.

RAINA WAGNER

Seattle, WA

LEGAL EXPERIENCE

K&L Gates, LLP, Seattle, WA

Senior Associate (January 2013-present)

- Commercial litigation associate at global corporate law firm; deep experience in complex disputes, e-discovery, trial preparation, mediation/arbitration, witness and deposition preparation, motion practice, legal research, contract negotiation, appeals, team leadership, junior associate supervision, and mentoring. Developed broad litigation subject matter mastery, including: defamation; toxic tort; consumer protection and product liability; Public Records Act/privacy advice; FOIA and other First Amendment; and class action defense.
- Seconded to firm client Starbucks Coffee Company in 2018-19 and 2021 to manage General Liability docket, including up to 160 active cases in U.S. and Canada. Key member of Starbucks Litigation Team, consulting with and managing the budgets of dozens of outside counsel to manage corporate defense in cases ranging from personal injury, discrimination, ADA, and defamation to premises liability and trespass; expertise also includes some corporate employment (restraining order/workplace protection order) and commercial (third-party subpoena/e-discovery).
- Construction law practice includes construction contract advice to local, national and international clients, advising on multistage, complex real estate and building projects.
- Pro bono leader: devoted 50-100 hours per year to pro bono clients seeking *vacatur* of convictions as sexual trafficking victims, and spearheading a resentencing/clemency petition.

Achievements: 2021, 2022 Best Lawyers in America (Seattle): Commercial Litigation Ones to Watch

Seattle University School of Law, Seattle, WA

Adjunct Professor (2021-2022): Taught 3L graduating students in a workshop, experiential Negotiations class, moving beyond positional bargaining and focusing on collaboration, mutually beneficial creative solutions, and justice-oriented relationship building in modern negotiation theory.

Fennemore Craig, P.C., Tucson, AZ

Legal Intern (Spring 2011): Commercial law, including medical malpractice and insurance defense.

Southern Arizona Legal Aid, Inc., Tucson, AZ

University of Arizona Mortgage & Bankruptcy Clinic Intern (Fall 2011): Managed clients going through bankruptcy, home-loan modifications and homeowner fraud litigation.

Arizona Court of Appeals, Chambers of Judge Peter Eckerstrom, Tucson, AZ

Extern (Fall 2010): Oral, written appellate practice, including drafting court of appeals decisions.

JOURNALISM AND TEACHING EXPERIENCE

The Seattle Times, Seattle, WA

Assistant Features Editor, Arts & Entertainment (2005-2009): Entertainment editor leading a team covering music, theater, Seattle nightlife and restaurants; directed new section design, and helped lead A&E coverage online.

Achievements: 2005 NEA Classical Music Fellow

Arizona Daily Star, Tucson, AZ

Assistant Features Editor, Features & Home (2000, 2003-2005): Managed team of reporters and ran production of multiple daily-section stories on Features beats ranging from neighborhood news to home and garden.

Achievements: 1999 Employee of the Year; named section editor in 2004.

University of Arizona, Tucson, AZ

Adjunct Professor (2002-2003): Taught composition and creative writing.

Graduate Assistant in Teaching (2000-2002): Taught English composition and fiction writing while earning MFA in Creative Writing.

Achievements: Post-class student surveys of Outstanding each semester.

EDUCATION

University of Arizona James E. Rogers College of Law, Tucson, AZ

Juris Doctor with Environmental Law Focus, May 2012

Achievements

- **Honors & Awards:** 2012 Outstanding Graduating Senior, College of Law; 2011 CALI Award, Education Law; Dean's List, 2012, 2011, 2010, 2009; Arizona Journal of Environmental Law & Policy Board Member (2L: Articles Manager; 3L: SME); 2009 Richard Grand Legal Writing Competition, Honorable Mention
- **Fellowships & Committees:** 2011 Constitutional Law Fellow; 2010 Writing Fellow; 2011 Member of the Student Self-Study Advisory Group for college ABA recertification; 2011-2012 Student Member of the Faculty Appointments Committee
- **Scholarships:** 2011 2L Minority Writing Program Scholar; 2010-2011 Fennemore Craig/Cal Udall Scholar; 2010-2011 G. Lynn Thompson Award; 2011 Ralph E. Long Memorial Award; 2009 Arizona Minority Bar Association Scholarship; Law College Association Scholarships, 2009-2010, 2010-2011, 2011-2012

Activities

- Black Law Students Association—2010-2011 President, 2011-2012 Director of the Tucson Urban League Community Legal Referral Clinic
- Business Law Program

University of Arizona, Tucson, AZ

Master of Fine Arts, Creative Writing, May 2002— Awarded teaching fellowships in 2000, 2001 and 2002

University of Arizona, Tucson, AZ

Bachelor of Arts, History; Minor: Journalism/Spanish, August 2000, Cum Laude, Phi Beta Kappa

Achievements

- Greek Sophomore Woman of the Year and Greek Senior Woman of the Year
- Robie Medalist: One of six annual outstanding undergraduate commencement awards

Activities

- Arizona Ambassadors: Member of student tour guide and recruitment group
- 1995 Fiesta Bowl Court: First-runner up

COMMUNITY INVOLVEMENT

Loren Miller Bar Association, Seattle, WA (2013-present)

2019-2020 President of Washington Black Bar Association, dedicated to supporting African-American lawyers and law students. Other offices: Treasurer, V.P. Membership, Webmaster.

Washington State Bar Association DEI Council (2021-present)

2022-2023 Co-Chair or council charged by Washington Supreme Court to advance diversity, equity and including in the legal profession.

King County Bar Association, Seattle, WA (2014-present)

Volunteer with KCBA Housing Justice Project and Renton Neighborhood Legal Clinic.

KUOW Public Radio, Seattle, WA (2022-present)

Member Board of Directors.

National Association of Black Journalists/Seattle Association of Black Journalists, Seattle, WA

(1998-2000, 2004-2009): Member of the local and national chapters of the minority advocacy, mentoring and networking organization. Served as SABJ Secretary 2008-2009.

Southern Arizona Symphony Orchestra, Tucson, AZ (1996-2005, 2009-2012): Member (cellist) of community-based symphony, performing at least 8 concerts per season.