

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes

Seattle, WA

March 19 2020

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Rajeev D. Majumdar on Thursday, March 19, at 9:00 AM at the offices of the Washington State Bar Association, Seattle, Washington. Governors in attendance were:

Hunter M. Abell
Sunitha Anjilvel
Daniel D. Clark
Peter J. Grabicki
Carla Higginson
Russell Knight
Tom McBride
Bryn Peterson
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were Immediate Past President William D. Pickett, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Financial Officer Jorge Perez, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Chief Communications Officer Sara Niegowski, Interim Director Advancement Kevin Plachy, Human Resources Director Felix Neals, Executive Administrator Shelly Bynum, and Laura Bradley, Nancy Hawkins, Jean Cotton, and James E. Macpherson.

Consent Calendar

Gov. Tollefson moved for approval of the consent calendar with the correction of adding Jean Cotton as present at the January 16 meeting. Motion passed unanimously. Govs. Alec Stephens, Bryn Peterson, Paul Swegle, and Russell Knight were not present for the vote.

President's Report

President Majumdar provided an updated on the events of the past two weeks regarding the WSBA's response to COVID-19.

Interim Executive Director's Report

Interim Executive Director Nevitt referred to her written report and expressed appreciation to the staff of the WSBA in responding to recent events. Chief Disciplinary Counsel Doug Ende updated the Board on the Draft Rules for Discipline and Incapacity that are currently under review. Discussion followed.

Public Comment

Interim Executive Director read a public comment provided electronically. The Board heard public comment from Jean Cotton and Jim Macpherson. Discussion followed.

Reports of Standing or Ongoing BOG Committees

Executive Committee. Pres. Majumdar reported on the activities of the Executive Committee.

APEX Awards Committee. Gov. Knight reported that nominations are due on Monday. He also reported that the Committee is not opposed to sunsetting the annual Awards Dinner, provided there is a meaningful alternative to present the awards that doesn't diminish their importance.

Legislative Committee. Gov. Sciuchetti reported and encouraged applicants for open committee positions, noting the deadline is March 27.

Nominations Review Committee. Gov. Sciuchetti reported on actions taken this morning by the Committee.

Diversity Committee. Pres. Majumdar presented a brief update as Govs. Stephens and Kang were not present.

Long Range Planning Committee. Gov. Swegle reported.

Member Engagement Committee. Treas. Clark referred to his written report.

Budget & Audit Committee. Pres. Majumdar read an update from Treas. Clark.

Reports of Task Forces, Work Groups, Liaison Reports

ABA Mid-Year Meeting Report. WSBA's ABA Delegate Kaustuv M. Das presented on the ABA Mid-Year Meeting which was held on Feb. 17 in Austin, TX. Delegate Das referred to the list of resolutions provided in the materials.

Governor Liaison Reports

Gov. Stephens reported on his work with the Civil Rights Section and with minority bar associations. Gov. Tollefson reported on his work with the Kitsap, Mason, and Tacoma-Pierce County Bar Associations and the Superior Court Judges Association. Gov. Peterson reported on his work with the Low Bono and Administrative Law Sections. Gov. Higginson reported on her work with the San Juan County Bar Association. Gov. Clark reported on his work with the Yakima

and Benton-Franklin County Bar Associations and the Superior Court Judges Association. Pres-elect Sciuchetti reported on his work with the Board of Judicial Administration, the Clark County Bar Association, the Legislative Review Committee, and the Oregon State Bar. Gov. Swegle reported on his work with the Corporate Counsel Section, the Snohomish County Bar Association, and the Member Engagement Committee. Gov. Swegle noted a suggestion that the Bar consider providing weekly case summaries to the members. Gov. Grabicki reported on his work with the Limited License Legal Technician Board, an ad hoc committee of family law practitioners in the Spokane County Bar Association, on the issue of promoting rural practice, and the RPPT Section. Gov. Anjilvel reported on her work with the International Law Practice Section and the Editorial Advisory Committee. Gov. McBride reported on his work with state agency attorneys, noting appreciation for our free legal research tool, the Elder Law Section, and the Washington Association of Prosecuting Attorneys. Gov. Abell reported on his work with Korean American Bar Association, Indian Law Section, and on the issue of promoting rural practice.

Report of Ad Hoc Committee to Investigate Alternatives to Mandatory Malpractice Insurance

Pres-elect Sciuchetti reported on the work of the Ad Hoc Committee and on the subject of proactive management-based regulation. The Committee has met once and will continue meeting into the summer. They anticipate having a recommendation by mid to late summer.

Budget & Audit Committee Matters

FIRST READ: Proposed Amendment to WSBA Bylaws Article III.I.5 Re: License Fee Exemptions Due to Hardship. Chief Regulatory Counsel McElroy presented the proposal to increase the number of lifetime hardship exemptions to the license fee to two. Discussion followed.

Proposal to Sunset the APEX Awards Dinner. Director Niegowski reported on the recommendation that WSBA sunset the awards dinner. In response to a question about cost savings, Director Niegowski confirmed that a position has been eliminated in the Communications Department that will remain unfilled. Discussion followed. Gov. Grabicki moved to terminate the dinner and propose an outreach program similar to what was discussed at the Budget & Audit Committee. Motion passed unanimously. Gov. Knight was not present.

Recommendation to Maintain Two Legal Research Tools as Member Benefits. Interim Director Plachy presented the recommendation that we renew contracts with both vendors for three years. Practice Management Advisor Destinee Evers reported that both platforms have now fully implemented their new platforms. Discussion followed. Gov. Stephens to approve option three for a three-year period beginning with the FY21 budget. Motion passed unanimously. Govs. Grabicki and Knight were not present for the vote.

Personnel Committee Matters

Proposed Process for Evaluation of Interim Executive Director. Gov. Stephens presented on the proposed process as provided in the materials. He noted that the Committee is seeking action today so that they may begin the evaluation immediately for the term April 2019 to February 2020. Gov. Tollefson moved for approval of the process as outlined by Gov. Stephens. Gov. Tollefson clarified that his motion was to approve the process, not the assessment itself. Motion passed unanimously. Govs. Swegle and Knight were not present for the vote.

Gov. Stephens referred to the assessment questionnaires in the materials and moved approve both tools. Discussion followed. Motion failed 5-7. Gov. Higginson moved to approve the questionnaire less questions 1, 2, 6, and 8. Motion passed 9-3.

Legislative Committee Matters

Legislative Session Report. Gov. Sciuchetti and Legislative Affairs and Outreach Manager Sanjay Walvekar provided a report on the Washington State legislative session. Discussion followed.

Recommendation Re: Proposed Policy Re: Proposed Policy Re: Legislative Activity of Sections. Gov. Higginson reported on the proposed policy and walked through changes in the policy since last reviewed by the Board in January. Gov. Higginson moved to adopt the policy as provided in the materials. Motion failed 7-6.

Proposed Amendments to WSBA Bylaws

SECOND READ: Article III Re: Judicial Status. Pres. Majumdar referred to the materials and noted that this item was on for second read. Chief Regulatory Counsel McElroy provided a brief overview of the proposal. Treas. Clark moved for approval. Motion passed unanimously.

Proposed Comment to Suggested Changes to CrR 3.1, CrRLJ 3.1, and JuCR 9.2 Re: Death Penalty
Vice-Chair Travis Stearns presented the proposed comment regarding removal of standards relating to the death penalty from the court rules. Gov. Stephens moved for approval of the proposal. Motion passed 10-1. Gov. Knight was not present for the vote.

Report from Court Rules & Procedures Committee Re: Potential Emergency Rules for Washington Courts

Gov. Tollefson, liaison to the Committee reported on the topic.

Washington State Bar Foundation Trustee Appointments

Pres. Kristina Larry presented the trustee appointments as provided in the materials for approval. Gov. Clark moved for approval. Motion passed unanimously. Gov. Knight was not present for the vote.

Proposed Revisions to the Member Engagement Workgroup Charter

Interim Director of Advancement Director Plachy presented to proposed changes to the charter. Gov. Stephens moved for approval of the charter revisions as set forth. Motion passed unanimously.

Temporary Authorization for Response to COVID-19

Interim Executive Director Nevitt and Human Resources Director Neals presented the request as provided in the materials. Discussion followed. Gov. Abell moved to approve without the addition of the additional paid time off. Gov. Abell clarified that the motion would allow for the accrual of negative sick leave. Motion passed unanimously.

Proposal to Extend Licensing and MCLE Suspension Date to June 30 in Order to Accommodate Delays Due to COVID-19

Chief Regulatory Counsel McElroy presented the proposal. Discussion followed. Gov. Grabicki moved to adopt the proposal. Motion passed unanimously. Gov. Knight was not present for the vote.

Governor Roundtable

Pres. Majumdar announced local hero awards to Mary Barret and Megan Winder, which will be presented to them at a later date.

Gov. Higginson talked about communications to local bar associations and requested that governors receive advance notice and an opportunity to be involved in communications to their districts. Gov. Higginson clarified that she's largely referring to governance type communications.

Gov. Higginson talked about her view that all activities should be authorized by an existing policy. Discussion followed.

Gov. Sciuchetti and Chief Disciplinary Counsel Ende presented on proactive management-based regulation.

Gov. Higginson proposed that we post employee salaries on the website by job title. Discussion followed.

Presidential Recognition of Improbable Feat of Service

Pres. Majumdar acknowledge Pres-Elect Sciuchetti for his work traveling to California on short notice to participate in a discussion about Washington's Limited License Legal Technician program.

ADJOURNMENT

There being no further business and no need for an executive session, the meeting was adjourned at 3:58 PM on Thursday, March 19, 2020.

Respectfully submitted,

Terra Nevitt

Terra Nevitt
WSBA Interim Executive Director & Secretary