

**PRO BONO AND PUBLIC SERVICE COMMITTEE MEETING MINUTES**

**March 3, 2019 – 1:00 to 2:00 p.m.**

*The Pro Bono and Public Service Committee works to enhance a culture of service by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service with a particular focus on services to underserved low and moderate income people.*

**PRESENT IN PERSON:** Paul Okner, Nancy Chupp, Yuan Ting

**PRESENT BY PHONE:** Nick Larson, Brendan, Kristina, Bonnie

**NOT PRESENT:**

**ATJ BOARD LIAISON:** Michelle Lucas

**WSBA STAFF:** Paige

**GUEST:** Naoimy

Meeting called to order at 1:04 PM

**Meeting Minutes**

Paige sent out a redlined version of the February meeting minutes for approval.

- **ACTION:** Paul moved to approve as redlined. Yuan seconded motion. Unanimous approval and passed as redlined.

**Liaison Updates**

Nick introduced Naoimy, Naoimy has applied to join the Committee. Naoimy is in Eastern Washington. Nick explained the purpose of the liaison positions and the liaison updates.

Nick shared that several committee members attended the Goldmark Luncheon and that he attended the ATJ Board meeting. The ATJ Board has several initiatives that it is working on. Nick was also able to connect with ATJ Board Chair, Sal Mungia, they discussed the work of each respective entity. Nick encouraged members to review the ATJ Board's website for more detailed information.

Yuan spoke with the Asian Bar Association of Washington. They requested something in writing about the Committee. Yuan shared she is still waiting to get a response from them. Yuan also has reached out to Microsoft about a month ago, but has not heard back from them. Nick will follow up with each committee member with their entity assignment and request for information before our next meeting, which is the mid-year meeting.

**Workgroup Updates**

- **CLE:** Brendan shared that he sent out an email to the committee about the CLE family law survey and requested that everyone send the email out to their entity. CLE workgroup is hoping for responses before the next committee meeting. This will inform the October Legal Lunchbox CLE.

Brendan requested that the survey link be sent to liaison contacts. The CLE workgroup will also update the committee on which entities the workgroup will be contacting. Brendan agreed that committee members should cc or bcc him.

- **Communications:** Yuan shared that they are discussing possible projects—(1) article or blogpost on proposed rule changes; (2) writing draft form emails to liaison groups for quarterly updates or for things like the CLE survey (almost like a quarterly newsletter); (3) start dialogue with WSBA's magazine. Paul asked if the newsletter would include new content or if it would just be updates. Nancy agreed that having



new content would be great to send out. Nick shared that he liked this a lot and suggested that the Committee should discuss in more detail at the mid-year meeting. Paige shared that she can help facilitate conversations with the WSBA magazine's editorial staff.

Nancy reminded everyone that next meeting is the 3-hour, mid-year meeting. Nancy and Nick will reach out to the workgroups.

- Technology: Paul shared that the group decided to move forward with edits to the existing website. The group put together a document that will be shared with the web designers at ProBono.net to discuss feasibility and pricing for website changes. Next step is for the group to connect with ProBono.net.
- Strategic Planning: Workgroup will meet before the mid-year meeting, Nick and Nancy will coordinate this meeting. Committee members are invited to join.

### **RPC 6.5 Updates**

Bonnie shared that RPC 6.5 issue deals with conflicts in short-term, limited legal context (e.g. pro bono legal clinics) with a notice required. Safety issues may arise when there is a domestic violence-related issue and the notice requirement could put the DV perpetrator on notice that the other party is seeking legal advice, which could put the DV survivor's safety at risk due to retaliation. Proposal was drafted and submitted by PBC in October to the Supreme Court to allow for prospective notice (for certain circumstances). The proposal was sent to CPE to make a recommendation. PBC had a discussion in December/January about the issue. In late February, they heard back from CPE that they were supportive of underlying goal, but unable to support proposal because the proposed new comment allowing prospective notice was in conflict with the language of the rule itself. It would have to be a proposed rule change and not a proposed comment to the rule. The PBC subcommittee has been working with the CPE subcommittee to develop an alternate proposal that would be substantively the same, but would address the drafting problems identified by CPE. Additionally, the new proposal will provide clarification that the option to provide prospective notice only applies in situations where both parties are receiving limited scope legal services and not where one of the individuals is at least receiving long-term representation by a firm. If a proposal is going to be accepted this year, it needs to be substantively the same as the original proposal. CPE also recommended RPC 1.10 proposal, but this would likely have to be a separate issue that needs addressing, but likely not happening until next year. Plans were for this to be on the March agenda for the BOG meeting. She has been in touch with Governor Kim Hunter, who is confident this can pass BOG on first read. Hoping for a full CPE vote and endorsement before the BOG meeting. This issue is set for the April BOG meeting agenda. Bonnie has been in touch with the ATJ Board who have been in support and will be considering a supplemental letter to the Court based upon the updated proposal made by PBC. Proponent of original proposal can submit an alternate as a "comment" to original proposal for consideration by the Court. Bonnie shared an updated draft of the memo with this committee's request along with a draft of the alternate proposal itself. The April BOG meeting is on the 17th and 18th.

- **ACTION**: Bonnie moved that the committee approves and supports the Policy and Rules Committee's plan to submit to the BOG (substantially similar versions) of the most recent versions of both the memo and proposed comment in support of the revised proposal for RPC 6.5 amendments as drafted by the Pro Bono Council with input from the Committee on Professional Ethics. Paul seconded the motion. Motion passed unanimously.

Emeritus Proposal: Next steps will be figuring out to get feedback from QLSPs, people enrolled in the emeritus program. Pro Bono Council Manager has recently transitioned and once they have had a chance to settle, we can try to work

### **Announcements**

Paige shared there is a new expense report for FY20. Nancy shared that people can use reimbursement opportunity to attend the mid-year meeting in person.

Michelle shared that from March 12 to 13, the ATJ Board will be hosting its meeting in Wenatchee. This will include an Equity & Justice mixer where people can socialize. The Board meetings are open to the public.

Nick shared that this is open application time for new committee members to apply. People can reach out to Paige for more information.

Meeting adjourned at 1:49 PM.