



# WSBA

To: Board of Governors

From: Beth A. Bratton, WYLD President-elect  
Robin Lynn Haynes, WYLD Governor  
Dainen Penta, WYLD President  
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Re: First Reading: Transition of the WYLD from a Division to a Standing Committee

Date: June 13, 2012

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As requested with the BOG's May 22<sup>nd</sup> action to transition the WYLD to a committee, we have identified the issues and policy considerations necessary to make this change for the beginning of fiscal year 2013.

Modifications to three governing documents are presented to you for first reading:

- 1) WSBA Committee and Boards Policy
- 2) WSBA Bylaws
- 3) Draft Washington Young Lawyers Committee Appointment Policy

In September, we will ask you to adopt these policies and to appoint members to fill the first committee.

## **Items for Board of Governors Discussion**

The WYLD Board of Trustees (BOT) has been working with staff to envision the new and young lawyers committee in a way that builds efficiencies and integration, but does not lose the impact currently achieved by the WYLD, including ensuring a "home" for new and young lawyers in the WSBA. To this end, we have identified a few vital areas of discussion:

### *1. Geographic Reach and Composition of Committee*

We believe one of the most important roles of the WYLD is its on-the-ground outreach to new and young lawyers around the state. Much of the work of the current Board of Trustees happens outside of its meetings, when trustees work with county bar associations, greet new admittees, and serve as a general ambassadors and connectors for the WSBA with their colleagues. We are concerned that the new structure could decrease this reach by losing representatives from important geographic areas. To address these concerns, you will notice that we are proposing some exceptions to the WSBA Committee and Boards Policy that will allow the young lawyer

committee to retain the WYLD's current geographic districts. We welcome your feedback on how to preserve this function in a new structure.

## 2. Term Lengths

In order to promote continuity and impact of the WYLC, we request that the term length for this new committee be three years, rather than the standard two-year term that most WSBA committees use. For new lawyers, this may be their first experience with bar service. The additional year will enhance the ability of committee members to establish relationships in their geographic districts, to understand and contribute to the work of the committee and the WSBA, and to work on long-term implementation and follow-through of projects. We consistently hear from WYLD leaders that it takes almost a year to understand the environment and goals of the group. Additionally, we believe that extra year of "seasoning" is valuable for committee members who will transition into other roles within the WSBA. Extensive leadership development occurs through interaction with staff, Board of Governors, and other bar leaders; a two-year term could shorten this development process before new bar leaders feel ready to transition into a new role. Other WSBA committees, such as the CLE Committee, also utilize three-year terms.

## 3. Committee Purpose and Name

With fewer resources, the BOT knows we must undertake some steps to transition current programs to other entities or to rework how the committee functions going forward. To do this, we need to prioritize and focus the mission of the committee. We would like to hear the Board of Governors' direction as to the committee's purpose, and to what extent (if any) you believe it should change from the stated purpose of the WYLD:

*There shall be a Young Lawyers Division within the Bar for the purposes of encouraging the interest and participation of (i) new and young lawyers and law students in the activities of the Bar; (ii) developing and conducting programs of interest and value to new and young lawyers consistent with the Division's focus areas of public service and pro bono programs, transition to practice, and member outreach and leadership; and (iii) upholding and supporting the Guiding Principles of the Bar. (WSBA Bylaws §XII.A)*

Solidifying this purpose may also help to direct the naming of the committee. Over the years, the WYLD has discussed whether or not to continue using the term "young" vs. "new," "young and new" or some other explanation of the composition and focus of this group. There is concern about using the term "new" (which has a connotation that members are inexperienced), yet we know "young" can feel exclusive to newer members who come to the legal profession as a second (or later) career, or who did not attend law school immediately after college. In this transition, "Washington Young Lawyers Committee" seems like the most appropriate term because it provides familiarity and continuity for the many members who knew the Division.

## 4. At-Large Governor (WYLD)

The BOT currently has the privilege to nominate candidates from which the Board of Governors selects the At-Large Governor (WYLD). The BOT would like to have the committee retain that privilege, because of the important overlap between the constituent group the At-Large Governor (WYLD) represents and the members and topics that make up the committee. The current bylaws state that the BOT must present at least two candidates to the Board of Governors. We would like your feedback on how you view this process functioning in the new committee structure.

*...the Board of Governors shall elect one at-large Governor from nominations made by the Young Lawyers Division Board of Trustees. Election shall be by a secret written ballot. The Young Lawyers Division Board of Trustees shall nominate two or more candidates who will be members of the Young Lawyers Division at the time of the election. (WSBA Bylaws §VI.D.1)*

## **Proposed Amendments to the WSBA Committees and Boards Policy**

### **§2 Size of Committees and Boards**

#### a) Committees:

- Amicus Curiae Brief Committee: 14
- Committee for Diversity: 18
- Continuing Legal Education Committee: 18
- Court Rules and Procedures Committee: 28
- Editorial Advisory Committee: 14
- Judicial Recommendation Committee: 22
- Legislative Committee: 33
- Pro Bono and Legal Aid Committee: 18
- Professionalism Committee: 18
- Rules of Professional Conduct Committee: 18
- Washington Young Lawyers Committee: 18

### **§3 Membership Requirements**

All members of WSBA committees and boards must be active members of the WSBA, with the following exceptions: (a) Up to two Emeritus/Pro Bono members are permitted to serve on the Pro Bono and Legal Aid Committee and may be appointed to serve as the Chair, Co-Chair or Vice-Chair. (WSBA Bylaws IX.B.1.a.) (b) Members of the Character and Fitness Board and Disciplinary Board must have been members of the WSBA for seven years before their term begins. (APR20(b), ELC2.3(b)(2).) (c) Members of the Washington Young Lawyers Committee must meet the WSBA young lawyer criteria on the start date of their term (WSBA Bylaws XIIB). No WSBA staff member will be appointed to serve as a WSBA committee or board member.

### **§4 Selection of Members**

Nominations for open positions on standing committees will be made as follows: (1) Every year, each Governor will nominate one member to one half of the committees, determined in such a way that over a two-year period each Governor will make one nomination to each committee. (2) The remaining nominations will be made by the committees. Exceptions: The Judicial Recommendation Committee, Washington Young Lawyers Committee, and Legislative Committee have unique member selection procedures which are described in separate policy documents.

### **§8 Terms**

Except as indicated below, committee appointments shall be for 2-year terms. A member's service on any committee shall be limited to two consecutive terms, after which the member cannot be reappointed to that committee for three years, subject to individual exceptions as approved by the Board of Governors. Appointments to the WSBA Legislative Committee shall be made pursuant to the written Board of Governors policy for that committee. (WSBA Bylaws, IX.B.1.b.)

The following committees and boards shall have more than a 2-year term:

- Board of Bar Examiners: 4 years, no limit on number of terms (subject to Chair approval and completion of mandatory training)
- Character and Fitness Board: 3 years (APR 20(i)) (one-term limit)
- Continuing Legal Education Committee: 3 years
- Disciplinary Board: 3 years (ELC 2.3(c)) (one-term limit)
- Judicial Recommendation Committee: 3 years (JRC Guidelines I(A)(1))
- Law Clerk Board: 3 years (two-term limit)
- Lawyers' Fund for Client Protection Board: 3 years, no limit on number of terms (APR 15)
- Washington Young Lawyers Committee: 3 years

### **Proposed Amendments to the WSBA Bylaws**

1. The WYLD is currently the only WSBA division. The Board of Governors should first make a threshold decision of whether or not to retain the term "division" in the WSBA Bylaws. While it may be retained in the event that there is a WSBA division in the future, outlined below are the corresponding amendments should you wish to remove the term from the bylaws.

#### **§I.B.1 Functions; Specific Activities Authorized**

In pursuit of these purposes, the Washington State Bar Association may:

1. Sponsor and maintain committees, and sections, ~~and divisions~~ whose activities further these purposes.

#### **§V.B Appropriations and Expenses; Expenses; Limited Liability**

1. Requests for payment shall be in such form and supported by such documentation as the BOG shall from time to time prescribe.
2. The financial obligation of the Bar to any ~~division~~, committee, board, section, or other WSBA entity shall be limited to the amount budgeted and shall cease upon payment of that amount unless the BOG authorizes otherwise.
3. Any liability incurred by any ~~division~~, committee, board, section, or other WSBA entity, or by members thereof, in excess of the funds budgeted, shall be the personal liability of the person or persons responsible for incurring or authorizing the same.
4. Any liability incurred by any ~~division~~, committee, board, section, or other WSBA entity, or by members thereof, not in accordance with the policies of the BOG or in conflict with any part of these Bylaws, shall be the personal liability of the person.

#### **§VII.A.1.b Meetings; General Provisions; Definitions**

"Governing body" means a board, ~~division~~, committee, subcommittee, task force, section, or other body working under the authority of, or administered by, the Bar. The activities of such governing bodies may include, but are not limited to, conducting meetings, taking actions, conducting hearings, or gathering information or member comment.

#### **§IX.A.1 Committees, Task Forces, and Councils**

The work of the Bar shall be accomplished by the Board of Governors, the officers, and the WSBA staff. To facilitate the work of the Bar in accordance with its purposes as provided in Article I, the Board of Governors may delegate such work under appropriate sections, ~~divisions~~, committees, councils, task forces, and other WSBA entities.

#### **§XIV.B.5.1.2 Records Disclosure and Preservation**

Age information may be used as a criterion for eligibility for membership in a WSBA committee division or section, but only when used in conjunction with year of admission.

2. The following amendments help to define young lawyers and to select the At-Large Governor from among young lawyers without the use of division membership.

#### **§XII Young Lawyers Division**

##### **XII. YOUNG LAWYERS' DIVISION**

###### **A. PURPOSE**

There shall be a member segment a Young Lawyers Division within the Bar identified as "young lawyers" for the purposes of encouraging the interest and participation of (i) new and young lawyers and law students in the activities of the Bar; and (ii) developing and conducting programs of interest and value to new and young lawyers consistent with the Division's focus areas of public service and pro bono programs, transition to practice, and member outreach and leadership; and (iii) upholding and supporting the Guiding Principles of the Bar.

###### **B. DEFINITION MEMBERSHIP.**

Active members of the Bar shall be considered "young lawyers" members of this Division until the last day of December of the year in which the member attains the age of 36 years or until the last day of December of the fifth year after the year in which such member first was admitted to practice in any state, whichever shall last occur.

###### **C. BYLAWS.**

~~The Division shall have bylaws which are consistent with the State Bar Act, these bylaws, and the policies of the Board of Governors. Division bylaws or amendments thereto shall become effective only when approved by the Board of Governors.~~

###### **D. BUDGET.**

~~The Division shall submit an annual budget request to the Board of Governors encompassing proposed activities and expenses of the Division for the Bar's fiscal year. The Division shall confine its expenditures to the budget and appropriation as approved by the Board of Governors as generally set forth in these bylaws.~~

#### **§VI.C.1 Elections; Election of Governors**

1. Election of one Governor from each Congressional District and for the at-large positions shall be held every three years as follows:
  - a. Third, Sixth, Eighth Congressional Districts and the Eastern region of the Seventh Congressional District and one at-large member – 2011 and every three years thereafter.
  - b. First, Fourth, Fifth Congressional Districts and the Western region of the Seventh Congressional District and one at-large member from nominations made by the Young Lawyers Committee Division Board of Trustees – 2009 and every three years thereafter.
  - c. Second and Ninth Congressional Districts and the Central region of the Seventh Congressional District and one at-large member – 2010 and every three years thereafter.

#### **§VI.D.1 Elections; Elections by Board of Governors**

1. At-Large Governors.

The Board of Governors shall elect additional Governors from the active membership at-large. The election of at-large Governors shall take place during a meeting of the Board of Governors not later than the 38th week of each fiscal year and shall be by secret written ballot.

There shall be two at-large Governor positions to be filled with persons who, in the Board's sole discretion, have the experience and knowledge of the needs of those lawyers whose membership is or may be historically under-represented in governance, or who represent some of the diverse elements of the public of the State of Washington, to the end that the Board of Governors will be a more diverse and representative body than the results of the election of Governors based solely on Congressional Districts may allow. Under-representation and diversity may be based upon the discretionary determination of the Board of Governors at the time of the election of any at-large Governor to include, but not be limited to age, race, gender, sexual orientation, disability, geography, areas and types of practice, and years of membership, provided that no single factor shall be determinative.

In addition, the Board of Governors shall elect one at-large Governor from nominations made by the Young Lawyers ~~Committee Division Board of Trustees~~. Election shall be by a secret written ballot. The Young Lawyers ~~Committee Division Board of Trustees~~ shall nominate two or more candidates who will be young lawyers as defined in section XII of these bylaws ~~members of the Young Lawyers Division~~ at the time of the election.

#### **§VI.E.2 Elections; Member Recall of Governors**

For the Young Lawyers' ~~Division~~-at-large Governor, the petition must be signed by five percent of the young lawyers as defined in section XII of these bylaws ~~YLD members~~ at the time of filing. Only young lawyers ~~YLD members~~ who are on Active status at the time of the vote are eligible to vote. For all other at-large Governors, the petition must be signed by five percent of the Active members of the WSBA at the time of filing, and only members on Active status at the time of the vote are eligible to vote.



# WSBA

## WASHINGTON YOUNG LAWYERS COMMITTEE APPOINTMENT POLICY

### **Overview of Process**

Appointment of the young lawyers committee is governed by the WSBA Committee and Boards Policies.

Young lawyers interested in serving on the Washington Young Lawyers Committee shall apply annually through the Committee/Board/Panel application form available each January.

All members of the committee shall be appointed annually by vote of the Board of Governors. Appointments are generally made at the July Board of Governors meeting for service beginning October 1<sup>st</sup>. Any committee positions remaining open after the July Board of Governors meeting will be filled as soon as possible.

### **Composition of Committee**

In order to assure geographic diversity for purposes of outreach to new/young lawyers, twelve of the eighteen committee members should be appointed on the basis of residing or working in one of the following districts:

- Greater Olympia – serving Lewis County and Thurston County
- Greater Spokane – serving Lincoln County, Pend Oreille County, Spokane County and Stevens County
- King County – serving King County (2 positions)
- North Central Washington – serving Chelan County, Douglas County, Ferry County, Grant County and Okanogan County
- Northwest Washington – serving Island County, San Juan County, Skagit County and Whatcom County
- Peninsula – serving Clallam County, Grays Harbor County, Jefferson County, Kitsap County and Mason County
- Pierce – serving Pierce County
- Snohomish - serving Snohomish County
- South Central – serving Yakima County, Kittitas County and Klickitat County
- Southeast Washington – serving Adams County, Asotin County, Benton County, Columbia County, Franklin County, Garfield County, Walla Walla County and Whitman County
- Southwest Washington – serving Clark County, Cowlitz County, Pacific County, Skamania County and Wahkiakum County

The committee shall have three year terms.

Beginning in 2013, and in each third year following, individual governors should nominate a member for these districts:

- King County (7<sup>th</sup> District Governor A/7<sup>th</sup> District Governor B)
- Snohomish County (1<sup>st</sup> District Governor)
- Southwest District (3<sup>rd</sup> District Governor)
- North Central District (4<sup>th</sup> District Governor)
- At-large Member (At-Large Governor Young Lawyers)

Beginning in 2014, and in each third year following, individual governors should nominate a member from these districts:

- Greater Spokane District (5<sup>th</sup> District Governor)
- Northwest District (2<sup>nd</sup> District Governor)
- Greater Olympia District (10<sup>th</sup> District Governor)
- Southeast District (4<sup>th</sup> District Governor)
- At-large Member (At-Large Governor A)

Beginning in 2015, and in each third year following, individual governors should nominate a member from these districts:

- Peninsula District (6<sup>th</sup> District Governor)
- South Central District (4<sup>th</sup> District Governor)
- King County (8<sup>th</sup> District Governor)
- Pierce County District (9<sup>th</sup> District Governor)
- At-large Member (At-Large Governor B)

The remaining committee members will be nominated by the committee based on factors which will achieve the broadest range of diversity and experience possible.