

# News»Flash



An Update on the Work of the WSBA Board of Governors

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

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The Board of Governors met Jan. 17, 2013. For information on this or past Board meetings, please contact Margaret Shane at [margarets@wsba.org](mailto:margarets@wsba.org).

## Words from the President

President **Michele Radosevich** presided over the meeting. To keep WSBA members better informed, she posts a [weekly update](#) on the WSBA blog of her actions and activities. Find both her current post and all archives at [NWSidebar](#).

## Updates from the Executive Director

Executive Director **Paula Littlewood** reported that this year more than 50 percent of the membership renewed online, indicating this percentage is one of the higher for bars around the nation who provide online licensing as an option for members. She also reported that this was the first year the WSBA offered a payment plan and 46 members opted for this provision. Additionally, she shared that the number of members applying for hardship waivers has dropped.

## Legislative update

Chair of the BOG Legislative Committee **Judy Massong** and WSBA's Legislative Liaison **Kathryn Leathers** gave the legislative update, starting with the WSBA-backed bills:

- [HB1148](#) Addressing dissenters' rights under the Washington business corporation act.
- [SB 5343](#) An Act relating to the rights of higher education students involved in military service.
- [SB 5344](#) An Act relating to revising state statutes concerning trusts.

We encourage you to click on the links to the bills to get the most up-to-date information on

each one. You will also find more detailed summaries of these bills and other information on the [WSBA website](#).

In addition to an update on WSBA-backed bills, the board was asked to reaffirm its 2004 decision to support an identical version of the previously supported [Civil Rights Tax Relief Act](#) (CRTRA), a request that came from the National Employment Lawyers Association. The BOG first voted to determine whether CRTRA meets GR12. After passing that motion, the BOG voted to support the CRTRA of 2011.

Leathers also provided an update on the [Uniform Collaborative Law Act](#) (UCLA). She advised that the Court Rules Committee has created a subcommittee to review the set of proposed rules that would complement a statutory UCLA. There was discussion that an expedited review of the Court may be requested.

## Court responds to GR12.4 suggestions

**Jean McElroy**, WSBA general counsel, reviewed the history resulting in the necessity for GR 12.4. In 2010, the Court was looking at records disclosure rules for the Courts and associated entities; initial discussions suggested that the WSBA records might be included in the new rule, GR 31. The WSBA expressed concerns about being included in that rule since it applied to court administrative records, and in May 2011, the WSBA submitted a suggested new

rule, GR 12.4, to the Washington State Supreme Court for consideration and potential adoption.

In June 2012, WSBA received a letter from the Chief Justice stating that the Court would not be considering suggested GR 12.4 further, but would include the WSBA's records within the new rule that the Court was developing for Court administrative records (proposed GR 31.1). At the same time, the Court requested that the WSBA submit suggested edits to GR 31.1 that would provide sufficient exemptions for WSBA protection. The BOG responded in September 2012, also informing the Court why the BOG believed that the WSBA records require a rule separate from GR 31.1.

When suggested GR 31.1 was published for comment, it did not cover WSBA records. In December 2012, the Court wrote to the WSBA requesting that it consider GR 31.1 in relation to the version of GR 12.4 that the WSBA had previously submitted to the Court, and posed specific questions to the WSBA. In response to this action by the Court, a committee of the BOG was established to develop ideas and language to address the Court's concerns while protecting the WSBA's interests. The committee prepared two versions for the BOG to consider submitting to the Court:

- A first version designed to be effective if the Public Records Act is considered to apply to Bar records either directly or by analogy.
- A second version designed to be effective if the Public Records Act specifically stated that it does not apply to Bar records.

There was consensus from the BOG that the Public Records Act does not apply to WSBA and it should not be incorporated in GR 12.4; that a suggested provision requiring review of records requests by the Chief Hearing Officer should be modified; and that the WSBA should not seek to exclude WSBA staff salary records from disclosure since they are already obtainable

through DRS. The committee will submit a new proposal to the BOG.

#### **FY 2012 audited financials presented**

Governor **Phil Buri**, of Bellingham, presented the FY 2012 audited financial statement and reported that the outside auditors had confirmed that WSBA's numbers and accounting techniques are accurate, and that the FY 2012 books are now officially closed. It was reported by Chief Operations Officer **Ann Holmes** that WSBA closed the year with a net income of \$1.49 million. Contributing to this amount were additional revenue from license fees, investments, admissions and advertising, as well as savings in direct salary expenses and economies and efficiencies achieved in preparation for the revenue reduction in the wake of the referendum. Holmes noted that that it appears FY 2013 may also result in a net income.

#### **Update from the LLLT Board Chair**

Immediate Past-president **Steve Crossland** advised the BOG that he and Executive Director **Paula Littlewood** had recently met with Chief Justice Madsen regarding the LLLT program to determine if their current work is headed in the right direction. He noted that the Chief expressed the desire to have the program up and running in a year. The Court will receive an update on progress on the program in April. Littlewood noted that national attention on the LLLT program continues to grow and the LLLT Board is committed to ensuring a high-quality end product while striving to meet the one-year deadline.

Following the BOG meeting, Steve Crossland wrote a blog post that provides more current information on the LLLT Board's progress and can be [found here](#).

#### **Governance Task Force under way**

Immediate Past-president **Steve Crossland** reported that the Governance Task Force is looking at all WSBA programs as well as the Board, noting this has only been done once

since the creation of the State Bar Act. The task force is on track to complete its work and present it to the Board and the Supreme Court at the Board's July 2013 meeting.

#### **Suggested amendments recommended to RPC 1.15A and RPC 1.15**

Chair of the RPC Committee's Subcommittee on Trust Accounts **Mario Cava** presented recommended amendments to the rules governing lawyer trust accounts, specifically RPC 1.15A and 1.15B(a)(8). The changes are designed to clarify ambiguities in these rules and streamline provisions relating to funds held by closing firms incidental to the closing of real estate transactions. By Board consensus, these amendments will be put on the Consent Calendar for the Board's March meeting.

#### **BOG approves two new vendor relationships**

LOMAP Manager **Pete Roberts** brought forth recommendations to enter into affinity agreements with two new vendors that offer valuable services to members. They are [Washington Daily Decision Service](#) (WDDS) and [WordRake](#).

WDDS is a service that provides subscribers with daily email reports of all Washington appellate opinions published the prior day. WSBA members who subscribe will pay \$25 per month, with the fee fixed for three years. In exchange for WSBA's sponsorship, WDDS will pay WSBA a percentage of each subscription purchased.

WordRake is a subscription service that allows users to download a plug-in to Microsoft Word designed to improve the quality of written content. The plug-in identifies extraneous words in documents and gives the user options to delete words or substitute more concise language. The software was authored by WSBA member Gary Kinder, who teaches legal writing as a consultant to law firms. WSBA members can subscribe for \$99 annually. In exchange for WSBA's sponsorship, WordRake rebates WSBA 10 percent of the price of each subscription.

#### **Changes made to committee appointment process**

Member and Bar Leader Relations Manager **Pam Inglesby** presented proposed revisions to the committee appointment process, which were approved by the Board. Rather than relying primarily on individual Board members to recruit and nominate committee and board members, the new system will use a team approach designed to more directly link recruitment and nomination of potential committee members to WSBA's diversity goals and the particular needs of each committee. Each committee will now create a nominating team consisting of the committee chair, the vice chair or chair-elect, the staff liaison to the committee, and the Board liaison. Early each July, the nomination teams will provide to the Board a report including information about each committee's returning members and proposed applicants for appointment to the slots being vacated. The Board will then appoint committee members at its July meeting. The nomination teams will continue to draw heavily from WSBA members' applications received during the annual application process for committees and boards.

#### **BOG supports resolution on "unbundling" legal services**

The Board voted to co-sponsor the ABA's proposed Resolution 108, which would encourage lawyers to use limited scope representation as a tool to increase access to pro bono and low-cost legal assistance when such "unbundling" would be appropriate and would maintain competent service to the client. "Unbundling" generally refers to such things as a lawyer agreeing to prepare certain documents for a client without undertaking to represent the client in court. The practice is already common in Washington and other jurisdictions, particularly in areas such as family law.



Check out WSBA's blog, [NWSidebar](#), featuring voices of Washington's lawyers and the legal community.