

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors
Public Session Materials

May 16-17, 2019
Hilton Garden Inn
Yakima, Washington

WASHINGTON STATE BAR ASSOCIATION

WSBA MISSION	
<p>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.</p>	
WSBA GUIDING PRINCIPLES	
<p>The WSBA will operate a well-managed association that supports its members and advances and promotes:</p> <ul style="list-style-type: none"> • Access to the justice system. <i>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.</i> • Diversity, equality, and cultural understanding throughout the legal community. <i>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.</i> • The public’s understanding of the rule of law and its confidence in the legal system. <i>Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.</i> • A fair and impartial judiciary. • The ethics, civility, professionalism, and competence of the Bar. 	
MISSION FOCUS AREAS	PROGRAM CRITERIA
<p>Ensuring Competent and Qualified Legal Professionals</p> <ul style="list-style-type: none"> • Cradle to Grave • Regulation and Assistance <p>Promoting the Role of Legal Professionals in Society</p> <ul style="list-style-type: none"> • Service • Professionalism 	<ul style="list-style-type: none"> • 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	
<ul style="list-style-type: none"> • 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.]

2018-2019
WSBA BOARD OF GOVERNORS MEETING SCHEDULE

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA DUE	BOARD BOOK MATERIAL DEADLINE*	EXECUTIVE COMMITTEE 2:00 pm–4:00 pm* October 24, 2018 9:00 am – 11:00 am
November 16, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	October 25, 2018	October 31, 2018	
January 17-18, 2019	WSBA Conference Center Seattle, WA	BOG Meeting	December 20, 2018	January 2, 2019	December 20, 2018
March 7, 2019 March 8, 2019	Hotel RL Olympia, WA Temple of Justice	BOG Meeting BOG Meeting with Supreme Court	February 14, 2019	February 20, 2019	February 14, 2019
May 16-17, 2019	Hilton Garden Inn Yakima, WA	BOG Meeting	April 25, 2019	May 1, 2019	April 25, 2019
July 25, 2019 July 26-27, 2019	Courtyard by Marriott Richland, WA	BOG Retreat BOG Meeting	June 27, 2019	July 10, 2019	June 27, 2019
September 26-27, 2019 September 26, 2019	WSBA Conference Center Seattle, WA Sheraton	BOG Meeting WSBA APEX Awards Banquet	September 5, 2019	September 11, 2019	September 5, 2019

*The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. However, you should notify the Executive Director's office in advance of possible meeting agenda item(s).

This information can be found online at: www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials

*Unless otherwise noted.



WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



Bill Pickett
President



Rajeev Majumdar
President-Elect



Open
Position



Terra Nevitt
Immediate Past
President
Interim Exec. Dir. & Secretary

2018-2019



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

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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

999 Third Avenue, Suite 3000 / Seattle, WA 98104 / fax: 206.340.8856



**Board of Governors Meeting
Hilton Garden Inn
Yakima, WA
May 16-17, 2019**

WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

THURSDAY, MAY 16, 2019

GENERAL INFORMATION 2

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8:00 A.M. – PUBLIC SESSION

- Welcome
- President’s Report and Executive Director’s Report

8:15 A.M. – OPEN PUBLIC MEETINGS ACT (OPMA) TRAINING – Nancy Krier, Assistant Attorney General for Open Government 23

10:00 A.M. – RECESS

10:10 A.M. – INSURANCE UPDATE

10:30 A.M. – INTERVIEW, SELECTION AND SWEARING-IN OF WSBA 2018-2021 DISTRICT 1 GOVERNOR (action) (order determined by random drawing) 59

1. Peter Arkison..... 60
2. Hunter Abell..... 69
3. Sunitha Anjilvel 90
4. Doug Shepherd 97
5. Karrin Klotz..... 100

12:00 P.M. – RECESS FOR LUNCH WITH LIAISONS AND GUESTS (Local Hero Awards)

1:15 P.M. – WORKING WITH LIMITED LICENSE LEGAL TECHNICIANS (LLLTs) IN THE COMMUNITY – Dianne Loepker, LLLT and Cowlitz-Wahkiakum County Bar Association President; Kellie Dightman, LLLT; and Sherri Farr, LLLT..... 108

1:45 P.M. – INTERVIEW AND SELECTION OF 2019-2020 WSBA PRESIDENT-ELECT (action) (order determined by random drawing) 118

1. Zachary Mosner 119
2. Kyle Sciuchetti..... 132
3. Alec Stephens..... 164

2:45 P.M. - RECESS

3:00 P.M. – REPORT FROM ABA MIDYEAR MEETING – James Williams, Washington State Delegate to the American Bar Association (ABA) (by phone) 179

3:30 P.M. – INTERVIEW AND SELECTION OF 2019-2022 WSBA AT-LARGE (A) GOVERNOR (action) (order determined by random drawing) 182
1. Vicki Lee Anne Parker 183
2. Drew Pollom..... 189
3. Sunitha Anjilvel 194
4. Hunter Abell..... 201

4:45 P.M. – MEMBER AND PUBLIC COMMENTS (guests’ issues of interest)

5:00 P.M. - RECESS

FRIDAY, MAY 17, 2019

PUBLIC SESSION (continued)

8:00 A.M.

BOG COMMITTEE REPORT ON DIRECT STAKEHOLDER INPUT RE RECOMMENDATIONS FROM CIVIL LITIGATION RULES DRAFTING TASK FORCE – Governor/Treasurer Dan Bridges (first reading) 221

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UPDATE RE WSBA BOG NO RETALIATION POLICY PERSONNEL COMMITTEE REVIEW PLAN – Governor Chris Meserve, Chair, and Frances Dujon-Reynolds, Director of Human Resources

REPORT AND RECOMMENDATION RE INVESTMENT PORTFOLIO AND FACILITIES RESERVE FROM BUDGET AND AUDIT COMMITTEE (action) – Governor/Treasurer Dan Bridges and Ann Holmes, Chief Operations Officer 263

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10:00 A.M. – RECOMMENDATIONS FROM MANDATORY MALPRACTICE INSURANCE TASK FORCE – Hugh Spitzer, Chair (phone), and Doug Ende, Chief Disciplinary Officer (action) 348

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1:00 P.M.

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2:00 P.M. – CONSENT CALENDAR (action)

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- b. March 12, 2019, Emergency Public Session Minutes 407
- c. March 15, 2019, Emergency Public Session Minutes 411
- d. April 18, 2019, Special Public Session Minutes..... 414
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- f. WSBA APEX Awards Committee Recommendations..... 420
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- h. Technical Corrections to RPC 6.1(a)(2) re Pro Bono Publico Service..... 422

2:15 P.M. – GOVERNOR ROUNDTABLE (Governors’ issues of interest)

2:30 P.M. – EXECUTIVE SESSION PURSUANT TO RCW 42.30.110(1)(i) TO DISCUSS WITH LEGAL COUNSEL PENDING LITIGATION TO WHICH THE WSBA IS A PARTY

3:00 P.M. – PUBLIC SESSION

Take any action related to executive session, if needed.

INFORMATION

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- b. FY2019 Second Quarter Management Report 470
- c. Legislative Report..... 481
- d. Diversity and Inclusion Events 484
- e. Financial Statements
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 - 2. February 28, 2019, Financial Statements 489
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 - 4. March 31, 2019, and April 30, 2019, Investment Updates..... 576

PREVIEW OF JULY 26-27, 2019, MEETING 577

3:15 P.M. – ADJOURN

2019-2020 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Access to Justice Board Annual Report (Information)
- Financials
- FY2018 Fourth Quarter Management Report
- 2018-2019 Legislative Priorities
- 2018-2019 Legislative Review Committee Recommendations
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (ED Report Information)
- WSBF Annual Report

JANUARY (Seattle)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CPF) Annual Report
- Financials
- FY2018 Audited Financial Statements
- FY2019 First Quarter Management Report
- Legislative Session Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)

MARCH (Olympia)

Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

March 2018 Agenda Items:

- BOG Civil Litigation Rules Committee Report
- Mandatory Malpractice Insurance Final Report

May (Yakima)

Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2019 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- WSBA APEX Awards Committee Recommendations (Executive Session)

JULY (Richland)

Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2020 Budget
- FY2018 Third Quarter Management Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

SEPTEMBER (Seattle)

Standing Agenda Items:

- 2020 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2020 Budget
- Legal Foundation of Washington and LAW Fund Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

Board of Governors – Action Timeline

Description of Matter/Issue	First Reading	Scheduled for Board Action
Recommendations from BOG Civil Litigation Rules Committee	March 7, 2019	TBD
Recommendations from Mandatory Malpractice Insurance Task Force	March 7, 2019	May 16-17, 2019
CPE Proposed Amendments to RPC 1.15A(h)(9) re Safeguarding Property	May 16-17, 2019	July 26-27, 2019
BOG Committee Report on Direct Stakeholder Input re Recommendations from Civil Litigation Rules Drafting Task Force	May 16-17, 2019	July 26-27, 2019

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: May 3, 2019
RE: Open Public Meetings Act (OPMA Training)

Nancy J. Krier is the Open Government Assistant Attorney General in the Washington Attorney General's Office. She will be conducting training on the Open Public Meetings Act on Thursday, May 16 at 8:15 a.m. Enclosed please find her bio and a PDF of the PowerPoint she will be presenting.

Enclosures

Biography – Nancy Krier

Nancy J. Krier is the Washington Attorney General's Office Open Government Assistant Attorney General, appointed in 2013 following six years as the Public Disclosure Commission's General Counsel. Prior to the PDC, Ms. Krier served in the AGO over 20 years, including as a Division Chief of the Licensing and Administrative Law Division, where she was also designated as a Senior Counsel. In addition to the PDC, she had advised many state agencies, including the Executive Ethics Board, the Department of Corrections, the Department of Social and Health Services, and others. She served on the Public Records Exemptions Accountability Committee (Sunshine Committee). She was president of Washington Women Lawyers and the Government Lawyer Bar Association. Ms. Krier graduated *summa cum laude* from the University of North Dakota in 1982 with journalism and political science majors. Ms. Krier also was a reporter. She earned her JD at the University of Washington, joining the Washington State Bar Association in 1986 and is admitted to the U.S. District Courts in Washington and the Ninth Circuit Court of Appeals. She is a frequent speaker on open government and disclosure topics.

Open Public Meetings Act RCW 42.30



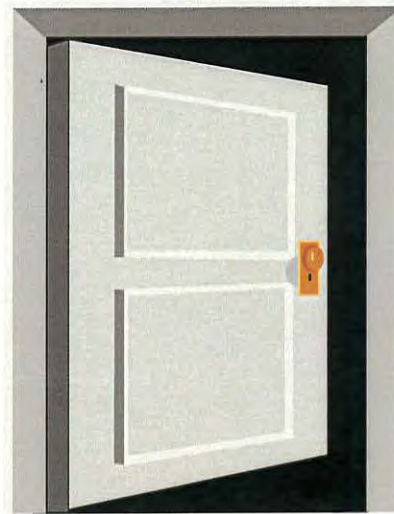
May 2019

Prepared by Washington State Attorney General's Office



Washington's Open Public Meetings Act (OPMA)

- Passed in 1971
- Requires meetings to be open to the public, gavel to gavel
- RCW 42.30



Purpose

- “The people do not yield their sovereignty to the agencies which serve them.”
- “The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so they may retain control over the instruments they have created.”

~ RCW 42.30.010



Purpose (Cont.)

- Public commissions, boards, councils, etc. listed in OPMA are agencies of this state that exist to aid in the conduct of the people's business.
- Their actions are to be taken openly and deliberations conducted openly.

~ *RCW 42.30.010*

- Act is to be “liberally construed.”

~ *RCW 42.30.910*

- The purpose of the OPMA is to allow the public to view the “decisionmaking process.”

~ *Washington State Supreme Court*



Open Government Laws Like the OPMA are Often Called “Transparency Laws” or “Sunshine Laws”



This is because they “shine light” on government. U.S. Supreme Court Justice Louis Brandeis once famously said, “*Sunlight is the best disinfectant.*”



Transparency builds public confidence in government.

OPMA Applies To:

Multi-member public state and local agencies, such as boards and commissions, as follows:

- Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.
- Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

~ RCW 42.30.020

These are the “public agencies” subject to the OPMA.



OPMA Does Not Apply To:



- These entities:
 - Courts
 - Legislature
 - Agencies not defined as “public agency” in OPMA, such as agencies governed by a single individual
 - Private organizations
- These activities:
 - Licensing/permitting for businesses, occupations or professions or their disciplinary proceedings (or proceedings to receive a license for a sports activity, or to operate a mechanical device or motor vehicle)
 - Quasi-judicial matters
 - Matters governed by the Washington Administrative Procedure Act, RCW 34.05
 - Collective bargaining (see statute for details)

~ RCW 42.30.020(1); RCW 42.30.140

Governing Body

- All meetings of the ***governing body*** of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.

~ *RCW 42.30.030*



What is a Governing Body?

- The multimember board or other policy or rule-making body

OR

- Any **committee** of such public agency *when*:
 - the committee acts on behalf of the governing body,
 - conducts hearings, or
 - takes testimony or public comment

~ RCW 42.30.020



What is a Meeting?

- “**Meeting**” means meetings at which the public agency takes “**action**” ~ *RCW 42.30.020*
 - “**Action**” means the **transaction of the official business of the public agency** and includes but is not limited to:
 - Public testimony
 - All deliberations
 - Discussions
 - Considerations
 - Reviews
 - Evaluations
 - Final actions





The requirements of the OPMA are triggered whether or not “final” action is taken. See upcoming slide on “final action.”

- A “meeting” of a governing body occurs when a **majority of its members (quorum) gathers with the collective intent of transacting the governing body’s business.**

~ Citizens Alliance for Property Rights Legal Fund v. San Juan County

“Meeting” (Cont.)



- Physical presence not required – a meeting can occur by phone or email.  
- An exchange of e-mail could constitute a meeting if, for example, a quorum of the members participate in the e-mail exchange & discuss agency business. Simply receiving information without comment is not a meeting.
 - ~ *Wood v. Battle Ground School District; Citizens Alliance for Property Rights Legal Fund v. San Juan County*
- Does not need to be titled “meeting” – OPMA also applies to “retreats,” “workshops,” “study sessions,” etc.
- No meeting occurs if the governing body lacks a quorum.

Final Action

- “**Final action**” is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the “committee thereof”
- Must be taken in public, even if deliberations were in closed session.
- Secret ballots are not allowed.

~ *RCW 42.30.060, RCW 42.30.020*



Travel and Gathering

- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
- Discussion or consideration of official business would be action, triggering the requirements of the OPMA.

~ RCW 42.30.070



“Regular” Meetings



- **“Regular meetings”** are recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws or other rule.
- A state public agency must:
 - Yearly, file with Code Reviser a schedule of regular meetings, including time and place
 - Publish changes to regular meeting schedule in state register at least 20 days prior to rescheduled date

~ *RCW 42.30.070; RCW 42.30.075; RCW 42.30.077*

“Regular” Meetings (Cont.)

- Agenda notice requirements apply to regular meetings.
- RCW 42.30.077 requires governing bodies to make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting.



- This law does not:
 - *Apply to agencies that do not have websites.*
 - *Apply to agencies that employ fewer than 10 full-time employees.*
 - Restrict agencies from later modifying an agenda.
 - Invalidate otherwise legal actions taken at a regular meeting where agenda was not posted 24 hours in advance.
 - Satisfy public notice requirements established under other laws.
 - Provide a basis to award attorneys fees or seek court order under OPMA if agenda is not posted in accordance with this law.

“Special” Meetings



- A “**special meeting**” is a meeting that is not a regular meeting (not a regularly scheduled meeting).
- Called by presiding officer or majority of the members
- Notice - timing: 24 hours before the special meeting, written notice must be:
 - Given to each **member** of the governing body (unless waived)
 - Given to each **local newspaper of general circulation, radio, and TV station** which has a notice request on file
 - Posted on the **agency’s website** [with certain exceptions in RCW 42.30.080(2)(b), for example, if the agency does not have a website]
 - Prominently **displayed at the main entrance** of the agency’s principal location and the meeting site (if not that same location)

~ RCW 42.30.080

“Special” Meetings (Cont.)

- Notice - contents: The special meeting notice must specify:
 - Time
 - Place
 - Business to be transacted (agenda)
 - Final disposition shall not be taken on any other matter at such meeting

~ RCW 42.30.080



Emergency Special Meetings

- Notice is not required when special meeting called to deal with an emergency
 - Emergency involves injury or damage to persons or property or the likelihood of such injury or damage
 - Where time requirements of notice make notice impractical and increase likelihood of such injury or damage

~ RCW 42.30.080(4)



Public Attendance

- A public agency can't place conditions on public to **attend** meeting subject to OPMA:
 - For proceedings governed by OPMA, cannot require people to register their names or other information, complete a questionnaire, or otherwise fulfill any condition precedent to attendance

~ RCW 42.30.040



- Reasonable rules of conduct can be set
- Cameras and tape recorders are permitted unless disruptive
 - ~ AGO 1998 No. 15
- No “public comment” period required by OPMA

Interruptions and Disruptions

- The OPMA provides a procedure for dealing with situations where a meeting is being interrupted so the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons.
- Meeting room can be cleared and meeting can continue, or meeting can be moved to another location, but final disposition can occur only on matters appearing on the agenda. More details set out in the OPMA.

~ RCW 42.30.050

DISRUPTION

(20)

Executive Session

- Part of a regular or special meeting that is closed to the public under RCW 42.30.110
- Limited to specific purposes set out in the OPMA
- Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins; time may be extended by further announcement

~ RCW 42.30.110



Executive Sessions

Specified purposes set out in OPMA.

Includes, for example:



- National security
- Real estate
 - Site selection or acquisition of real estate
 - Lease or purchase
 - Public knowledge would likely increase price
 - Sale or lease
 - Public knowledge would likely decrease price
 - Final action selling or leasing public property must be take at open meeting
- Publicly bid contracts
 - Review negotiations on performance
 - Public knowledge would like increase costs
- Evaluate qualifications of applicant for public employment
- Meet with legal counsel regarding enforcement actions, litigation or potential litigation
- Other purposes listed in RCW 42.30.110

~ *RCW 42.30.110*

Executive Session to Discuss Agency Enforcement Actions, Litigation or Potential Litigation

- This executive session is not permitted just because legal counsel is present
- This executive session must address:
 - Agency enforcement action
 - Agency litigation or
 - Potential litigation

~ RCW 42.30.110



Executive Session to Discuss Agency Enforcement Actions, Litigation, or Potential Litigation: Three Requirements

- Legal counsel representing the agency is present
- Purpose is to discuss agency enforcement action, litigation or potential litigation to which the agency, governing body, or a member acting in official capacity is, or is likely to become, a party
- Public knowledge regarding discussion likely to result in an adverse legal or financial consequence to the agency

~ RCW 42.30.110



Penalties for Violating the OPMA

- A court can impose a \$500 civil penalty against each member (personal liability) who knowingly attends a meeting in violation of OPMA; and \$1000 for a subsequent knowing violation.
- Court will award costs and attorney fees to a successful party seeking the remedy
- Action taken at meeting can be declared null and void

~ *RCW 42.30.120; RCW 42.30.130; RCW 42.30.060*



Minutes – RCW 42.30.035

- Minutes of public meetings must be promptly recorded and open to public inspection
- Minutes of an executive session are not required
- No format specified in law

* *Formerly at RCW 42.32.030.*



Risk Management Tips

- Establish a culture of compliance with the OPMA.
- Receive training on the OPMA.
- Review available resources; institute best practices.
- Keep updated on current developments in OPMA; correctly apply law.
 - *Remember: the OPMA can change through amendments, or develop through case law.*
 - *Remember: other laws can govern an agency's meeting procedures.*
- Consult with agency's legal counsel.



OPMA Training

- The “Open Government Trainings Act” requires OPMA training for every member of a governing body within 90 days of taking their oath or assuming their duties. RCW 42.30.205.
- Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.



- Training resources, videos, and more information about the Act (a “Q & A”) are available on the Attorney General’s Office Open Government Training Web Page:
<http://www.atg.wa.gov/OpenGovernmentTraining.aspx>

OPMA Assistance

- The Washington State Attorney General's Office may provide information, technical assistance, and training on the OPMA. Contact Assistant Attorney General for Open Government.
- The Attorney General's Office may issue formal opinions about the OPMA for qualified requesters.
- The Attorney General's Office has helpful materials about the OPMA and on other open government topics and resources, on its website at <http://www.atg.wa.gov/Open-Government>.
 - One example is the *Open Government Resource Manual* (see next slide).

~ RCW 42.30.210



AGO Open Government Resource Manual – Available on AGO Website*

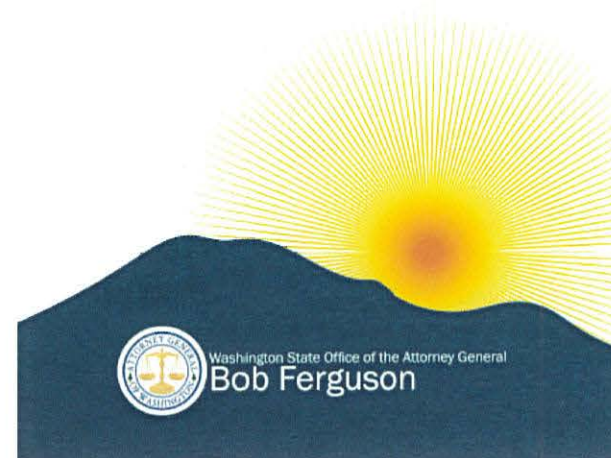


WASHINGTON STATE



Sunshine
Laws 2016

An Open Government Resource Manual



* <http://www.atg.wa.gov/open-government-resource-manual>

**Does not yet include statutory changes resulting from 2017-18 sessions.

AGO Guidance Document on Filling Vacant Positions

WASHINGTON STATE

Open Public Meetings Act Guidance

On Frequently Asked Questions About Processes to Fill
Vacant Positions By Public Agency Governing Boards*

**And Some Suggested Practice Tips*

June 1, 2016



Municipal Research & Services Center – Another Resource

OPMA – AGENCY OBLIGATIONS: A STARTING POINT

PRACTICE TIPS

For Local Government Success



The basic requirement of the Open Public Meetings Act (OPMA) is that meetings of governing bodies be open and public. Use these practice tips to guide your agency's OPMA compliance.* For more information and resources visit www.mrsc.org/opmapra.

Basic Requirements

- All meetings open and public. All meetings of governing bodies of public agencies must be open to the public, except for certain exceptions outlined in the OPMA. RCW 42.30.030.
- Quorum. Generally, a meeting occurs when a quorum (majority) of the governing body is in attendance and action is taken, which includes discussion or deliberation as well as voting. RCW 42.30.020[2] & [3].
- Attendees. All persons must be permitted to attend and attendees cannot be required to register their names or other information as a condition of attendance. Disruptive and disruptive conduct is prohibited.
- No secret ballots. Votes may not be taken by secret ballot.
- Adoption of ordinances. Ordinances, resolutions, rules, regulations, and other orders that are adopted must be taken in public. If they are not, they are invalid. RCW 42.30.060[1].

Position in Agency

Member of a governing body

- City or Town Councilmember or Mayor
- County Commissioner or County Councilmember
- Special Purpose District Commissioner/Board Member

Member of a subagency created by ordinance or legislative act,

- Planning Commission
- Library Board
- Parks Board
- Civil Service Commission

Member of a committee

- Committees that act on behalf of the governing body, or public comment.

Agency staff

Penalties for Noncompliance

- Actions null and void. Any action taken at a meeting which is void. RCW 42.30.060[1].
- Personal liability. Potential personal liability of \$100 for any person who violates the OPMA. RCW 42.30.120[1].
- Agency liability. Any person who prevails against an agency is awarded all costs, including attorney fees, incurred in connection with the suit.

OPMA Training Requirements, Effective July 1, 2014

- Every member of a governing body of a public agency must complete OPMA training before assuming office or taking the oath of office.
- In addition, every member of a governing body must complete training before they remain in office.

*DISCLAIMER: These practice tips are meant to provide summary information and are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel about this topic as well.

OPMA – EXECUTIVE SESSIONS

CHECKLIST

For Local Government Success



The Open Public Meetings Act (OPMA) requires specific steps be taken in order to hold an executive session. Use this checklist to guide your agency's compliance with the OPMA related to executive sessions.* For more information and resources visit www.mrsc.org/opmapra.

	Requirement	Completed/ Applicable
Meeting	An executive session can only be held as part of a regular or special meeting.	<input type="checkbox"/>
Purpose	The presiding officer announces in open session the purpose of the executive session.	<input type="checkbox"/>
End Time	The presiding officer announces in open session the time the executive session will end.	<input type="checkbox"/>
Legal Counsel	Legal counsel is present during the executive session, if required. (See topics below and on the next page for discussions that require the presence of legal counsel.)	<input type="checkbox"/>
Confidentiality	At the start of the executive session, participants are reminded that discussions are confidential.	<input type="checkbox"/>
Topics	Related to local governments, the following topics set forth in RCW 42.30.110[1] can be discussed in executive session: <ul style="list-style-type: none"> Matters affecting national security. RCW 42.30.110[1](e). 	<input type="checkbox"/>

OPMA – NOTICE REQUIREMENTS

PRACTICE TIPS

For Local Government Success



Under the Open Public Meetings Act (OPMA), to ensure that agency deliberations and other actions are conducted and taken openly, agencies are required to provide sufficient public notice of their meetings. Use these practice tips as a starting guide for OPMA notice requirements.* For more information and resources visit www.mrsc.org/opmapra.

	Regular Meetings (RCW 42.30.070)	Special Meetings (RCW 42.30.080)
Definition	Held in accordance with a schedule fixed by ordinance, resolution, bylaws, or other rule.	Anything other than a regular meeting. May be called by the presiding officer or a majority of the members of the governing body.
Notice and Agenda	Effective June 12, 2014, agendas must be made available on the agency's website at least 24 hours in advance of the meeting unless the agency: <ul style="list-style-type: none"> Doesn't have a website; or Employs fewer than 10 full-time equivalent employees. <p>There are no other notice requirements for regular meetings in the OPMA. However, other relevant laws apply to some local governments. For example, sites and towns are required to establish a procedure for notifying the public of the preliminary agenda for the forthcoming council meeting (although not necessarily online) as well as regarding upcoming hearings. RCW 35A.12.160; RCW 35.12.285; RCW 35.29.231; RCW 35.27.300. There are no similar requirements for counties or special purpose districts related to preliminary agendas.</p>	The special meeting notice must specify the date, time, and place of the special meeting, and the business to be transacted: <ul style="list-style-type: none"> Personal notice. Written notice must be delivered personally, by mail, fax, or e-mail at least 24 hours before the meeting to: <ul style="list-style-type: none"> Each member of the governing body, unless the member submits a written waiver of notice in advance with the clerk, or the member is actually present at the meeting; and Each member of the news media who has on file with the governing body a written request for notice of special meetings. Website notice. Notice must be posted on the agency's website 24 hours in advance of the meeting, unless the agency: <ul style="list-style-type: none"> Doesn't have a website; or Employs less than 10 full-time equivalent employees; or Doesn't employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website. Notice at agency's principal location. Notice must be prominently displayed at the main entrance of the agency's principal location and the meeting site if the meeting isn't held at the agency's principal location.
Emergencies	In an emergency situation (e.g., fire, flood, earthquake, or other emergency), a meeting may be held at a site other than the regular meeting site, and the notice requirements under the OPMA are suspended during such an emergency.	The notices required for special meetings aren't required if a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
Holidays	Regular meetings shall not be held on holidays. If a regular meeting falls on a holiday, the meeting must be held on the next business day.	Although not specifically addressed by the OPMA, we recommend that special meetings not be held on holidays out of consideration for public participation.
Business Transactions	There are no restrictions on the type of business that may be transacted at regular meetings.	Final disposition cannot be taken on any matter not listed in the special meeting notice.

*DISCLAIMER: These practice tips are meant to provide summary information on the notice requirements of the OPMA; these tips are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel about this topic as well. May 2014

disclosure would increase the	<input type="checkbox"/>
use of real estate if there's a	<input type="checkbox"/>
42.30.110[1](c).	<input type="checkbox"/>
not be taken in open session.	<input type="checkbox"/>
42.30.110[1](d). See back of page.	<input type="checkbox"/>
employee. RCW 42.30.110[1](f).	<input type="checkbox"/>
session.	<input type="checkbox"/>
42.30.110[1](e). See back of page.	<input type="checkbox"/>
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elective office.	<input type="checkbox"/>
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at the end time, the presiding	<input type="checkbox"/>
returning to executive session.	<input type="checkbox"/>
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checklist is not intended to be regarded as specific legal advice. May 2014

Questions?



THANK
YOU!



WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: April 30, 2019
RE: Election of 2018-2021 District 1 Governor

ACTION: Elect **Doug Shepherd, Hunter Abell, Karrin Klotz, Peter Arkison** or **Sunitha Anjilvel** to the 2018-2021 District 1 Governor seat on the Board of Governors, to complete the three-year term vacated by Michael Cherry, to start immediately upon election and swearing-in.

Attached please find applications and letters of support for the 2018-2021 District 1 Governor¹ candidates, listed in order of appearance, which was determined by random drawing:

1. Peter Arkison
2. Hunter Abell
3. Sunitha Anjilvel
4. Doug Shepherd
5. Karrin Klotz

Enclosures

¹ "If a vacancy occurs due to resignation, death, or the removal of a Governor by the BOG, and more than 12 months remain in that Governor's term, the BOG must elect a candidate eligible for that position to serve as Governor until the next regularly scheduled election for that Governor position." WSBA Bylaws Sec. IV.A(4)(b)(2) (May 18, 2018).

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Nomination Form 1st Congressional District

INSTRUCTIONS

- 1) Complete this nomination form. If you are nominating someone else, ask them to sign it below and submit it along with their biographical statement.
- 2) Attach a brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement will be published on WSBA's website. You will later be asked to submit a separate ballot statement explaining why you are running for the Board of Governors.
- 3) Scan and email the signed form and biographical statement to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Thursday, February 15, 2018.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.


Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, hereby nominate

Peter H. Arkison

Name of candidate

for the office of Governor from the 1st Congressional District. (You may nominate yourself.)


Signature of Nominator

5530

WSBA Bar #

Signature of Candidate (if different than nominator)

WSBA Bar #

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PST on February 15, 2017. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

LAW OFFICES OF
PETER H. ARKISON

SUITE 502
103 EAST HOLLY STREET
BELLINGHAM, WASHINGTON 98225-4728
[360] 671-0300

March 15, 2019

Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539
El Paso, TX 79998-9986

Re: Board of Governors District 1 Position

Good Morning:

I am applying for the vacant position in District 1. Although I have been unsuccessful in running twice previously for the Board of Governors, I believe that I have a lot to offer the Board.

In applying for this position, it is my desire to serve; I am not interested in building a resume for a higher position in the Bar Association or beyond it as a Judge or political office holder.

After graduating from the University of Detroit with degrees I business and law, was admitted to practice in Michigan on November 24, 1970. I then spent about three and a half years in the U.S. Army as JAG officer. My aggressive defense of soldiers in criminal cases did not sit well higher command officers. The Army handed me an Honorable Discharge and we parted ways in October of 1974, the month I was admitted to practice in Washington.

I have spent over 44 years practicing law in Bellingham, most of it in bankruptcy and related areas as a sole practitioner. My resume shows that I have contributed to the development of the law with a case in the U.S. Supreme Court, two cases at the Washington Supreme Court, nine cases at the Ninth Circuit Court of Appeals, and other lower court published decisions. (In law school, I hated studying federal jurisdiction. Cases like Marbury v. Madison, International Shoe, New York Times, Tomkins v. Erie Canal were difficult for me to understand. I am expecting that Executive Benefits v. Arkison will be added to that list for future students--something which I do not want my name attached to.)

Washington State Bar Association
March 15, 2019
Page 2

I realize that pending before the Washington Supreme Court and the Washington Legislature are matters which will relate to the future nature and structure of the Bar Association. Although I am aware of what the issues are, I am not sufficiently conversant to advocate for any particular position. What I am missing are the unstated issues and positions.

Although I have served the CLE Board a couple of times and on the Executive Board of the Creditor Debtor Section, I am aware of the difficulties of being an active participant at the governance level of the Bar Association from outlying areas. I understand that when I raise my hand to volunteer for something, Bow Hill blocks the vision of my raised hand; I understand that the Cascades and the Olympic Mountains do the same to others. The result is that there is a perceived, and probably real, bias in favor of the Seattle Metropolitan area. For example, after losing the race for the Board of Governors, the Bar Office did not reach out to see if there any way I would be interested in serving the Bar Association such as on a Board, Committee, Task Force or some other way; I was just ignored. My efforts to offer to do a multi-area seminar for the Bar Association have just been ignored.

There are some issues which will have significant impact on the Bar, which are not being addressed.

The fiscal operations need to be dealt with. I have previously suggested moving the Bar headquarters from downtown Seattle to a less expensive place. With multimedia available for holding meetings and other communications, it would appear that a significant savings can be obtained by not having to pay the extremely high rent which downtown Seattle commands. Such a move may result in lower labor costs. It would appear that there are similar other savings which also can be made.

One is the impending retirement of lawyers in rural areas. There are a significant number who do not have anyone to give or sell their practice to. As those lawyers leave, who is going to provide legal services in the area? Does the

Washington State Bar Association

March 15, 2019

Page 3

lack of replacements mean that those lawyers will continue to work longer than they should or want to?

The young lawyers coming out of law schools are unable to find jobs in the law and, often, are unable to pay their student loans. I do not know who promised them what. Did they have a right to rely on what others said? Is the Bar Association responsible for "bailing them out"; should it be?

Should the Bar Association consider putting the retiring lawyers and the new ones together for mutually beneficial relationships? If so, how would this be done?

Thank you in advance for your favorable consideration of this application.

Sincerely yours,



Peter H. Arkison

PETER H. ARKISON

103 E. Holly Street, Suite 502
Bellingham, WA 98225

peter@arkison.com

(360) 671-0300

Mr. Arkison opened his office in Bellingham in October of 1974, after serving 3 1/2 years in the Judge Advocate General's Corps of the U.S. Army.

He is a graduate of the University of Detroit with degrees in Management (BS) and Law (JD). He is licensed to practice in Washington and Michigan. He is admitted to practice in the United States Supreme Court.

His law practice is centered around bankruptcy and related issues. He has served as a Trustee in bankruptcy cases for over 36 years. He believes that bankruptcy is the ultimate general practice as virtually every area of the law appears in a bankruptcy case at one time or another.

His vigorous advocacy has led to numerous reported decisions in cases which he has argued or been a party in; some of the cases have been cited in numerous other cases, two by the U.S. Supreme Court. A partial list of the cases:

Executive Benefits v. Arkison, ___ U.S. ___, 134 S.Ct. 2165, (June 9, 2014)

In re Cascade Roads, Inc., 34 F.3d 576 (9th Cir. 1994).

In re Gitts, 116 B.R. 174 (9th BAP 1990), *aff'd* and adopted 927 F.2d 1109 (9th Cir. 1991).

In re Rueter, 11 F.3d 850 (9th Cir. 1993)

In re Islands Bakery Partnership, 117 B.R. 243 (9th BAP 1995).

In re Plata, 958 F.2d 918 (9th Cir. 1992).

In re Wilson, 341 B.R. 21 (9th BAP 2006).

In re Nelson, 180 B.R. 584 (9th BAP 1995).

In re Skagit Pacific Corp., 316 B.R. 330 (9th BAP 2004)

In re Griffin, 719 F.3d 1126 (9th Cir. 2013).

Arkison v. Ethan Allen, Inc., 160 Wash 2d 535 (2007).

In re Fuller, 134 B.R. 945 (9th BAP 1992).

In re Anderson, 21 F.3d 355 (9th Cir. 1994).

In re Pederson, 875 F.2d 781 (9th Cir. 1989).

State v. Thompson, 88 Wash. 2d 546 (1977)

Mr. Arkison has had numerous articles published nationally, has had two articles published in the Washington State Bar News, and did the current case update for several years for the Creditor/Debtor Newsletter. He has also spoken at numerous seminars.

Mr. Arkison is available to serve as an arbitrator or a mediator.

When he is not practicing law, Mr. Arkison is involved in the community. He currently serves on the Board of Regents for Gonzaga University.

APPENDIX

The following is a listing of published opinions in which I was a party and/or the attorney. Lower court opinions in a case, even though published, are not included. Unpublished opinions, of which there are several, which can be found on the internet are not included if there is not a book citation. A few of these cases have been cited numerous times in other cases.

Below each citation is a cryptic summary of what the issue was.

UNITED STATES SUPREME COURT:

Executive Benefits v. Arkison, ___ U.S. ___, 134 S.Ct. 2165, (June 9, 2014)
(Jurisdictional limitations on Article I Courts)

WASHINGTON SUPREME COURT:

State v. Thompson, 88 Wash. 2d 546 (1977)
(Criminal law concerning the length of a knife)

Arkison v. Ethan Allen, Inc., 160 Wash 2d 535 (2007)
(Judicial estoppel against a Trustee)

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT:

In re Pederson, 875 F.2d 781 (9th Cir. 1989).
Cited in *Farry v. Sanderfoot*, 111 S.Ct. (1991)
(Avoidance of judicial lien in a divorce)

In re Gitts, 116 B.R. 174 (9th BAP 1990), *aff'd and adopted* 927 F.2d 1109 (9th Cir. 1991)
(Timely perfection of chosen homestead exemption)

In re Plata, 958 F.2d 918 (9th Cir. 1992)
(Exemption claim in converted Chapter 12 case)

In re Madson, 983 F. 2d 1076 (Table) (9th Cir. 1993)
(Dismissal for failure to prosecute)

In re Rueter, 11 F.3d 850 (9th Cir. 1993)
(Voluntary payment to retirement account exempt)

In re Anderson, 21 F.3d 355 (9th Cir. 1994).
Cited: *Hamilton v. Lanning*, 130 S.Ct. 2464 (2010)
(Interpretation of "projected disposable income")

In re Cascade Roads, Inc., 34 F.3d 576 (9th Cir. 1994)
(Federal tax question)

In re Baer, 350 Fed. Appx. 184, (9th Cir. 2009)
(Timeliness of an appeal)

In re Griffin, 719 F.3d 1126 (9th Cir. 2013).
(Evidence required to support a motion re: stay)

U.S. BANKRUPTCY APPELLATE PANEL FOR THE NINTH CIRCUIT:

In re Fuller, 134 B.R. 945 (9th BAP 1992)
(IRS tax lien did not reach this inheritance)

In re Nelson, 180 B.R. 584 (9th BAP 1995).
(Whether RCW 6.15.020 had been preempted by ERISA)

In re Skagit Pacific Corp., 316 B.R. 330 (9th BAP 2004)
(Validity of prepetition security interest)

In re Wilson, 341 B.R. 21 (9th BAP 2006).
(Ability to claim homestead exemption)

U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON:

In re Islands Bakery Part, 117 B.R. 243 (DC Wash. 1995)
(Need for a stay pending appeal)

In re Kerr, 237 B.R. 488 (WD Wash. 1999)
(Trustee gets tax exemptions)

U.S. BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON

In re Swift, 81 B.R. 621 (Bankr. WD Wash. 1987)
(Exemption in funds held by Ch. 13 Trustee)

In re Schneider, 99 B.R. 52 (Bankr. WD Wash. 1989)
(Fraud transfer action-transferee is needed party)

In re Jones, 142 B.R. 950 (Bankr. WD Wash. 1992)
(Ability of Trustee to reach ERISA qualified plan)

In re Hickenbottom, 143 B.R. 931 (Bankr. WD Wash. 1992)
(Ability of Debtors to exempt IRA account)

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form 1st Congressional District

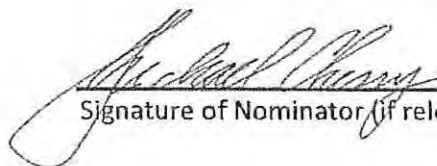
INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach a letter of application and resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. Applications must be received by 5 p.m. PST on Friday, March 15, 2019.
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the office of Governor from the 1st Congressional District.

Hunter M. Abell 37223
Name of candidate (please print) WSBA Bar #

 48132
Signature of Nominator (if relevant) WSBA Bar #


Signature of Candidate

I understand and agree that as part of the Governor election process, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, I waive confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PST on March 15, 2019. Filing may be accomplished by emailing the scanned form and attachments to barleaders@wsba.org.

ENCLOSURE 1

March 15, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Board of Governors - 1st Congressional District Application

Dear Governors:

I respectfully submit my name for consideration to serve the unexpired term of Governor Michael Cherry representing the 1st Congressional District on the Washington State Bar Association ("WSBA") Board of Governors. Like all of you, I was disappointed to hear that Mr. Cherry will be unable to complete his term on the Board of Governors. After discussion of the various issues currently facing the WSBA, and reviewing his experiences on the Board of Governors to date, I am honored that Mr. Cherry endorses me to complete the rest of his term. A copy of the nominating form, signed by Mr. Cherry, is attached to this letter as **Enclosure 1**.

Attached as **Enclosure 2** is a copy of my resume. As you can see, I am a member of Williams Kastner & Gibbs, PLLC in Seattle, and focus my practice primarily on business litigation and matters involving Native American tribes. Before joining Williams Kastner, I served on active duty with the U.S. Navy as an attorney with the JAG Corps. I continue to serve as a reservist in the U.S. Navy, where I hold the rank of Commander. I also serve as an appellate judge for three Native American tribes, and serve as a Judge Pro Tem for Ferry County District Court in eastern Washington. These are practical ways for me to give back to communities that are dearly important to me. Additionally, these experiences provide a unique and diverse viewpoint that will be important in any potential service on the Board of Governors.

Enclosure 2 also outlines my prior WSBA involvement. As you can see, I served previously as Chair of the Professionalism Committee and as Chair of the Indian Law Section. Both opportunities provided me significant insight into how the WSBA operates. These experiences enable me to carefully consider the needs and priorities of sections and committees in any potential service on the Board of Governors.

I care deeply about the state of our legal profession, and believe that I can be a constructive, pro-active, and informed member of the WSBA Board of Governors as it grapples with important issues. These issues include the post-*Janus* WSBA structure, potential imposition of mandatory malpractice insurance, WSBA institutional administration, and proposals for accurately assessing and responding to WSBA staff concerns. I look forward to addressing all of these issues and more as this appointment process unfolds. I also look forward to serving the WSBA's exceptional members and working to make the WSBA responsive to the needs and concerns of membership. I believe that, in order for the WSBA to effectively serve the public, it must effectively serve and represent the members.

Finally, if appointed to complete Mr. Cherry's term, I make the following pledges to you: 1) I will utilize and apply the WSBA Creed of Professionalism in all my interactions with Governors, WSBA staff, and the public; 2) I will address issues on the basis of principle, rather than personality; and 3) I will continually strive to bring credit on our shared legal profession. It is my hope that these promises will result in a stronger and more effective WSBA.

Thank you for your time and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Hunter M. Abell", with a stylized flourish at the end.

Hunter M. Abell

Encl.

HUNTER MAGNUSON ABELL

18318 32nd Ave. SE
Bothell, WA 98012
hunter.abell@hotmail.com
(509) 994-7567

EMPLOYMENT:

Williams, Kastner & Gibbs, PLLC

Member, Seattle, WA, November 2010 – Present. Represent hundreds of clients before state, federal, and tribal courts or administrative tribunals. Advise clients in complex, high-stakes litigation. Emphasis on business litigation and tribal matters.

Associate Recruiting and Training Committee – Chair.

United States Navy Judge Advocate General's (JAG) Corps

U.S. Navy/U.S. Navy Reserve, April 2003 – Present. Commander (O-5) in USNR. Deployed to Baghdad, Iraq in 2007-2008, Guantanamo Bay, Cuba, in 2014 –2015. Executive Officer for Preliminary Hearings Unit.

Ferry County District Court – Judge Pro Tem, September 2017 – Present.

Quinault Indian Nation – Court of Appeals Chief Justice, March 2011 – Present.

Hoh Indian Tribe – Court of Appeals Associate Justice, January 2015 – Present.

Round Valley Indian Tribe – Court of Appeals Associate Justice, January 2015 – Present.

EDUCATION:

Georgetown University Law Center, Washington, DC

Masters of Law (LLM) *With Distinction* May 2006; GPA: 3.67
Individual Study - Constitutional Law with National Security Certificate

Gonzaga University School of Law, Spokane, WA

Juris Doctorate (JD) *Cum Laude*, May 2005; GPA: 3.34, top 15% of class
Student Government, S.B.A. President
Gonzaga Law Review, Associate Editor

The College of William & Mary, Williamsburg, VA

Bachelor of Arts (BA) in Government, May 2002; GPA: 3.2
Student Government, Vice President for Liaison Affairs
Honor Council, Justice

AWARDS AND RECOGNITION:

2017 Puget Sound Business Journal “40 Under 40” Award – Award presented by the *Puget Sound Business Journal* to recognize rising business leaders under the age of 40.

2016 Rising Star Award – Award presented by *Super Lawyers* magazine to top 2.5% of Washington attorneys younger than the age of 40.

2015 WSBA Courageous Award – Award presented for “exceptional courage in the face of adversity, thus bringing credit to the legal profession.”

Defense Meritorious Service Medal – July 2015. Medal presented upon successful completion of service as Chief of Military Justice at Joint Task Force Guantanamo, Guantanamo Bay, Cuba.

Joint Service Commendation Medal – May 2008. Medal presented upon successful completion of service as Liaison Officer to Central Criminal Court of Iraq, Baghdad, Iraq.

Gonzaga University School of Law Commencement Speech – May 2005. Selected to deliver commencement address on theme of “Attorneys of Honor, Faith, and Courage.”

PRESENTATIONS AND PUBLICATIONS:

WSBA Indian Law Section CLE, Chair, 2014. Coordinate speakers on developments in federal Indian law, sovereign immunity, and gaming matters.

PROFESSIONAL ACTIVITIES:

Gonzaga University School of Law Board of Advisors – Member, 2012-Present.

WSBA Indian Law Section – Chair, 2013-2014.

WSBA Professionalism Committee – Chair, 2012-2013.

CIVIC PARTICIPATION:

Canyon Hills Community Church – Member, 2010-Present.

Seattle Navy League – Board Member, 2016-Present.

PERSONAL:

Married (Sara) with two daughters (Libby and Wynnie). Avid hiker, waterskiier, and history buff.

May 1, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Re: Board of Governors - 1st Congressional District Application

Dear Governors:

Thank you for your consideration of my potential service on the Washington State Bar Association ("WSBA") Board of Governors. Attached for your consideration are letters of support and recommendation from a variety of colleagues in the legal profession and from members of the community.

I am particularly honored that these letters of support include a letter from Michael Cherry who previously represented the 1st Congressional District on the Board of Governors. I unsuccessfully ran against Mr. Cherry last year, so I am honored by his confidence in me to serve.

I am also pleased to include a letter of support from my former Commanding Officer in the U.S. Navy JAG Corps, Captain Matthew Muenchrath, JAGC, USN. Captain Muenchrath is a proud Oregon attorney, and very familiar with many of the challenges and responsibilities of belonging to a mandatory bar. Similarly, I include an Evaluation Rating from the Washington State Veterans Bar Association ("WSVBA"). As you can see, the WSVBA felt sufficiently strongly about the current challenges facing the WSBA that it felt an Evaluation Rating was appropriate. I was extremely honored to be rated as "Exceptionally Well Qualified."

Enclosed are also several letters from individuals I have practiced with in my Native American and Tribal Affairs practice at Williams Kastner & Gibbs, PLLC. These include letters from Seattle City Councilmember Debora Juarez (District 5) who hired me at Williams Kastner nearly a decade ago. They also include letters from Judges Jane Smith and Christine Pomeroy. I have the honor of serving with both these individuals on the Quinault Tribal Court of Appeals, and have known Judge Smith through family connections on the Colville Indian Reservation for many years.

Washington State Bar Association
Board of Governors
May 1, 2019
Page 2

Finally, enclosed are letters of support from various pro bono clients that I have served over the years, including Brandon Nishijo, the Moens family, James King, and Casey Johnson. All of these letters are meaningful to me, and I am humbled by their support.

Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Hunter M. Abell", written in a cursive style.

Hunter M. Abell
Attorney at Law
(206) 233-2885
habell@williamskastner.com

Enclosures

LEXQUIRO

March 11, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle WA, 98101

By email

Dear Governors

Let me again express my gratitude for understanding my need to resign as the Governor for the First Congressional District so I could work to get my polyangiitis with granulomatosis back in chemically induced remission. I appreciate your kind words and thoughts.

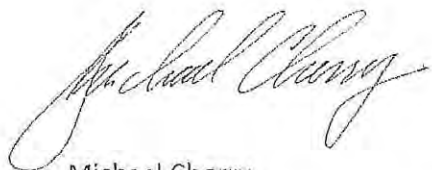
I am writing to ask your consideration for Hunter Abell to replace me at the Governor for District One for the remainder of my term.

Hunter ran against me during the election and the run-off. I was elected by a thin majority over Hunter. Throughout the campaign I was impressed by Hunter's knowledge of issues such as Janus (which he raised during our taped interviews), and his thoughts for addressing issues of import to the members. Since then we have discussed the future of the bar including matters such as mandatory malpractice insurance.

Hunter can draw on his experience as an attorney in private practice and as a Judge Advocate General officer with the Navy for problem solving and consensus building.

If you felt I was an independent member of the board, who evaluated each issue on its merits, and voted in the best interests of the bar's member attorneys and the public, please consider supporting Hunter as my replacement.

Yours truly,



Michael Cherry
Member-Manager, Lexquiro PLLC

MUENCHRATHLAW, LLC
ATTORNEYS AT LAW

MATTHEW P. MUENCHRATH
AMY L. MUENCHRATH

280 N COLLIER
COQUILLE, OR. 97423

AMBER REED
SCOTT CULPEPPER

March 12, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

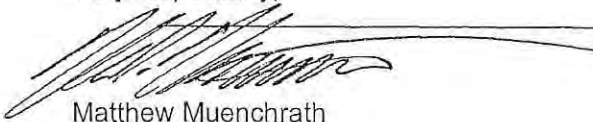
It is my privilege to write a letter of support for Hunter M. Abell to serve on the Washington State Bar Association ("WSBA") Board of Governors as a representative from the 1st Congressional District. I served as Hunter's Commanding Officer in the U.S. Navy Reserve for two years from 2016-2018. During that time, I had the opportunity to observe Hunter as his supervisor and mentor in a variety of complex and challenging professional situations.

I cannot think of a better person than Hunter Abell to serve on your Board. He is a consummate professional with a keen eye for detail and an exceedingly professional demeanor. His work ethic and ability to contribute to the team effort is peerless. While serving in our unit, he routinely requested additional duty and sought professional challenges. He volunteered and excelled as the western-region public affairs officer for our entire reserve judge advocate general program. As his supervisor, I knew that when I gave a task to Hunter, the job would be properly analyzed for what needed to be done and done right the first time.

Hunter understands the value of service and responsibility. As a reservist, Hunter voluntarily offers time away from his family and billing hours from his firm to serve our country. I received nothing but absolute high praise and accolades from every command that he supported. I have no doubt that he would serve the same in any endeavor as part of the Board of Governors. I understand that the WSBA is a mandatory bar association, similar to the Oregon State Bar, and, as a result, the WSBA has a special responsibility to carefully steward members' dues. I am confident that Hunter would carry out this duty in a highly responsible manner.

As a proud "northwest lawyer," a member of the Oregon State Bar, and Hunter's former Commanding Officer, I offer my whole-hearted support recommendation of Hunter Abell for appointment to this position without any reservation. I would want him to serve on our board. Feel free to contact me on this matter.

Very respectfully,



Matthew Muenchrath

Washington State Veterans Bar Association

March 4, 2019

Mr. Hunter Abell

Re: Washington State Veterans Bar Association WSBA Board Evaluation Rating


Dear Mr. Abell,

Thank you for submitting your Washington State Bar Association Board of Governors candidate materials to the Washington State Veterans Bar Association Steering Committee. We are pleased to evaluate your candidacy. After reviewing your submissions, the Committee evaluates your fitness for appointment to the WSBA Board of Governors as:

"Exceptionally Well Qualified"

This evaluation is based on our review of your application materials and WSVBA supplement, Washington's professional standards, as well as our sense of the quality of representation and advocacy abilities of a WSBA Board Member. Thank you again for taking the time to submit your materials to the WSVBA.

Sincerely,



Michael J Casey
Washington State Veterans Bar Association
Steering Committee
WSRA # 9111

About Washington State Veterans Bar Association

Washington State Veterans Bar Association (WSVBA) is a networking organization for attorneys and law students who have served in the United States Armed Forces. We are a non-partisan and veteran-centric organization. We seek to provide a voice for the 650,000 veterans of Washington State and address legal, political, and social issues facing veterans and their families.

2019-2020 Steering Committee

Caesar Kalinowski IV, Chair and Veteran (USMC)

John M. Tymczyszyn, Veteran (USN)

Shane McKinnie, LTCMDR USNR

Mike Casey, Veteran (USA)

Eric Peterson, CMDR USN

John H. Varga, Veteran (USA)

Thomas Jarrard, Veteran (USMC)

Joe Derrig, Veteran (USAF)

Sarra Marie, Fmr. Employee USN

Gavriel Jacobs, Veteran (USMC)

March 11, 2019

Washington State Bar Association
ATTN: Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

I write to enthusiastically support your appointment of Hunter Abell to serve on the Washington State Bar Association Board of Governors. As a Seattle City Councilmember, attorney, former Superior Court judge, enrolled member of the Blackfeet Nation, and someone who cares deeply about our legal profession, I believe that Hunter would be a superb leader for the organization.

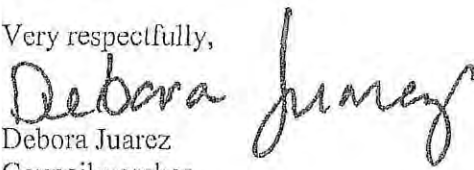
I have known Hunter for approximately ten years. I first met him when I was Chair of the Tribal Practice Group at Williams Kastner & Gibbs in Seattle. Hunter interviewed for a position at the firm as he was leaving active duty with the U.S. Navy, and I made the decision to hire him. It is a decision that I never regretted. I was his direct supervisor for approximately four years. During that time, Hunter and I worked together on important matters impacting Indian Country, including representation of the Blackfeet Nation in crucial economic development efforts, representation of elected members of a local tribal council in highly-politicized criminal prosecutions, and representation of Native American farmers in the landmark *Keepseagle v. Vilsack* settlement process. I also encouraged Hunter to serve as a tribal court judge.

These experiences make Hunter uniquely qualified to serve on the Board of Governors. His tribal law background affords Hunter an unparalleled perspective when addressing matters of importance to Native American tribes in Washington, particularly as tribes continue to develop increasingly-sophisticated judicial systems. This alone would be an advantage in serving on the Board of Governors, but his character as an attorney and person of integrity makes him a perfect pick for this position.

I encourage you to appoint Hunter to this position, and offer my strongest personal support.

Thank you.

Very respectfully,


Debora Juarez
Councilmember

Judge Jane M. Smith

380 P Elmer City Access Road
Coulee Dam WA 99116
509-994-1149

February 21, 2019

Washington State Bar Association
ATTN: Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter M. Abell

Dear WSBA Board of Governors:

I am honored to submit a letter of recommendation for Hunter Abell to be a member of the Board of Governors for the WSBA. My name is Jane M. Smith and I am the Court Administration Supervisor for the Colville Tribal Court of Appeals in Nespelem WA. I am also a tribal judge/justice. I currently serve as a part time judge/appellate justice for the Quinault, Kalispel, Spokane, Suquamish and Tulalip Tribal Courts. I have been involved with tribal court systems for over 38 years. I have trained tribal court staff both regionally and nationally. During my tenure, I have worked with a number of attorneys, both good and less than stellar.

I was appointed to the original Practice of Law Board and served for 8 years. After that I was appointed to the Gender and Justice Board, the Disciplinary Board and am currently serving on the Disciplinary Advisory Round Table. All Washington State Supreme Court appointments. I was the tribal court representative on the WA Fall Judicial Conference planning committee for many years, working with judges to educate them on ongoing court issues, including teaching them about tribal courts. During all those years, I have had the opportunity to work with members of the BOG and am familiar with its background and mission.

I have known Hunter for many, many years. He grew up in my hometown, Inchelium WA. His grandparents were my teachers at the local grade and high school. Being from a small town, even though I didn't know him personally then (I was several years older), I was familiar with his family and he was friends and schoolmates with my nieces and nephews.

During law school, he interned at the Public Defender's Office here at the Colville Tribe and that is where I had my initial contact with him. I was good friends with the Public Defender and Mike would give me glowing accounts of his intern. I was not surprised, as Hunter comes from good stock.

Hunter was the President of the S.B.A. when our Court of Appeals took an appellate case on the road to the Gonzaga School of Law Moot courtroom. After court was finished, Hunter came up and introduced himself again. During our conversation I was reminded of his Inchelium background. I was impressed then with his poise and intelligence. Since then I've had the opportunity to keep in touch and then work with him on several tribal appellate cases.

Growing up in Inchelium does not necessarily give you a lot of opportunities to prepare yourself for work off the reservation. Like many tribal communities, it is a challenge to attract good teachers to work in such an isolated school. However, even with the limited resources, many talented students have utilized the few opportunities to grow and flourish. Hunter is definitely one of the few. He learned a wonderful work ethic from his parents and grandparents. Everyone who knew the family knew that they were people you could count on to help out in times of trouble, who were known to do the right thing, and to be a friend you enjoyed spending time with. The wonderful thing about growing up on the reservation was learning to adapt, to appreciate what you have, and that hard work and diligence will open up opportunities you thought you could only dream of.

Hunter took those skills and background and used them to his advantage. He went to a very prestigious college and gained a solid education. He also gave time in the military at a time when there were few compelling reasons to enlist, other than his need to serve his country. About this time Hunter asked me to write a letter of support so that he could attend Georgetown University for his Masters of Law. My only condition to write the letter was that when he graduated and went to work in his chosen field, that he would work with Tribal Courts, if the opportunity arose. He has honored that request fully. When he returned to WA, in addition to his regular workload, Hunter sought out some tribal courts and volunteered to help them out. He has been working with various tribal courts since then. I have been lucky enough to have sat with him on a number of appellate cases.

There have been times when Hunter and I have found ourselves on opposite sides of an argument. I have found that Hunter does an excellent job of listening to my side and then giving sound reasons for his side. He is an excellent debater and does so with a calm and intelligent manner. If an argument is made that changes his mind, he will change his mind without being petty about it. If he prevails in his argument, he moves on without making the person feel inferior. I think we are 50-50 in convincing each other that we are right. I am always proud to put my name next to his on any appellate decision we make as I know we made a thoughtful and informed decision.

Hunter has a very good judicial attitude and has grown in the many years that I have known him. He works well with others and is skilled in negotiations, with high ethical standards. When there is a question about the law, he is the first to pull out the Code and research it so that we are making law with informed decisions. I know that the litigants before him are given ample opportunity to have their day in court and their due process. He is respectful of everyone and commands respect for everyone appearing before him, without coming off as a tyrant. Not an

easy task. He comes off as a very amiable fellow, but below the surface is a steel will, which is due to his extensive military background, I am sure. Command by example. I am very grateful that someone of Hunter's caliber is helping tribal courts improve their standing in the legal communities.

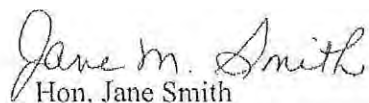
Hunter has landed a home with a very prestigious law firm in Seattle. Luckily that firm has recognized the special person he is and has allowed him to work outside the box in helping the communities he interacts with. There are not that many firms who would allow someone to do work that doesn't directly compensate them. I believe that they understand that Hunter's work ethic and high standards ensure that they get their money's worth and that his community presence reflects positively on their reputation. That they would allow him to work, not only with tribes, but be able to do all the extra volunteer work that he does, I feel, is a great testament to their global vision.

I was Naval Reserve for several years and I know the commitment it takes to do your job and do your duty. Hunter, I feel, has committed his life to the service of his fellow person. His assignments to duty reflect the responsible person that he is. He has attained a high rank in the Naval Reserve which requires a high work ethic, intelligence, and commitment to his fellow Navy servicemen. You don't attain the rank he has by just doing your time. Hunter always gives extra over what is usually expected. In addition, his family is very important to him. He is very proud of his girls and it doesn't take much to encourage him to share a photo or two. I think he has worked hard to have a good balance of work and home.

I know that Hunter would be a very positive presence as a BOG member. He has a very diverse background and a solid work ethic. He works well with others, stands firm when he needs to, but is not afraid to listen to another's logic and give it serious consideration. I've worked on several boards and I feel confident in saying that I would not hesitate in being on a board with Hunter. I hope that you feel the same and welcome Hunter as a new BOG member. The WSBA will be a better organization for doing so.

If you have any questions, please don't hesitate to contact me.

Sincerely,


Hon. Jane Smith

Colville Tribal Court of Appeals



COWLITZ TRIBAL COURT

31555 NW 31st Avenue
Ridgefield, WA 98642
Tel: (360) 727-2119

February 20, 2019

Washington State Bar Association
ATTN: Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

I am writing in support of Hunter Abell's appointment to the Washington State Board of Governors.

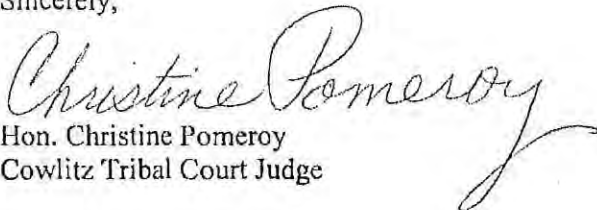
As the sitting judge for the Cowlitz Indian Tribe, it is important that people are respectful of the Native culture and in my dealings with Hunter, he has always shown a great deference to the Native Culture.

I have known Hunter for approximately five years and have worked professionally with him on the Quinault Indian Nation Court of Appeals. Hunter grew up on the Colville Indian Reservation in Eastern Washington and although Hunter is not Native by blood, he possesses the upmost respect for the native communities. He is respectful to all litigants who appear before the Court and is always looking to give people access to the judicial system. Currently, he is the judge for three native communities which speaks volumes on how respected he is. If there is a cultural event that people must attend, he is always willing to accommodate individuals and suggest alternative ways to hear cases and allows litigants to be heard. He works as a team playing to get the work done but allows everyone a chance to be heard.

I wholeheartedly and without reservation recommend Hunter Abell for the Board of Governors.

Thank you.

Sincerely,


Hon. Christine Pomeroy
Cowlitz Tribal Court Judge

Christine Pomeroy
Ret. Thurston County Superior Court Judge

February 20, 2019

Washington State Bar Association
ATTN: Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

I am writing in support of Hunter Abell's application for the WSBA Board of Governors.

As a retired Superior Court Judge and now an active Bar member, I have interacted and worked with many lawyers. Hunter is among the best, he is respectful and courteous to all parties and litigants, but at the same time an advocate for his client.

Hunter wears many hats, Court of Appeals Justice, member of a large Seattle law firm, and a commander in the U.S. Navy Reserve. He interacts with many different people of diverse backgrounds and always puts people at ease yet gets the job done.

His dedication to promoting the bar association in the community can be seen by his services as a chairperson of both the Indian Law Section and the Professionalism Committee.

His ability to work with others is one of his best qualities. He is always willing to undertake a task for the greater good.

I urge you to give great consideration to the application of Hunter Abell. In my opinion, he is an outstanding lawyer an exemplary example of a person willing to give of himself to better the legal community.

I wholeheartedly and without reservation recommend Hunter Abell for the Board of Governors.

Thank you.

Sincerely,



Hon. Chris Pomeroy
Thurston County Superior Court Judge (Ret.)

Brandon Nishijo
2129 Maltby Rd. C-102
Bothell, WA 98021

February 19, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support

Dear WSBA Board of Governors:

I write this letter in support of Hunter Abell to serve on the Washington State Bar Association Board of Governors to represent the 1st Congressional District.

Hunter is half of the reason I am where I am today. Without his guidance and advice, I would be in a far more stressful not to mention dire situation. When I first met Hunter I was facing some pretty serious charges and was so confused and scared to go through this process. I had a few meetings with him to kind of get a sense of what to do. Through one of our phone calls he offered to help and be my lawyer. After the initial hearing Hunter was able to find the TAP program for me. He got me all of the resources and everything I would need to be able to apply and later be a part of. Through the TAP process it has meant so much for me and my family to be given an opportunity like this. The program has helped me to open up and talk about things and to really work through issues big or small. Things that I used to be anxious and scared of talking about or feeling have been helped by this program and Hunter! He checked in monthly to see if I needed anything, and to make sure the program was going well. All of his support through this process has been a huge blessing in mine and my family's lives. I no longer have to look over my shoulder at a conviction, I get to move forward with a clean slate after the TAP program.

Hunter works to serve and be there for those in need, and there are no words to really tell what Hunter has done for me and the amount of dedication he has shown is not only heard but shown in his actions and the distance he goes for a passion of law and service. Hunter has walked me through every part of this process from start (initial court date) to finish (ending of tap/last court date). In conclusion I think he would be an amazing addition to your board.

Thank you.

Sincerely,
Brandon Nishijo



23804 3rd Pl. W.
Bothell, WA 98021
ktzanda@comcast.net

4 March 2019

Board of Governors
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Hunter M. Abell
District 1 Position
Letter of Recommendation

Dear Board of Governors,

We are pleased to offer our support of Hunter M. Abell for the District 1 Position on the Board of Governors for the Washington State Bar Association.

We came to know Hunter the day after a very stressful night when our son, Troy, an active duty Ensign in the US Navy, was served antiharassment paperwork by two Bothell uniformed police officers Wednesday evening, 17 October 2018, from his former girlfriend.

Troy was in the middle of what became an eight-month deployment on USS Anchorage, when he came home to attend the funeral service for his older brother's unexpected passing.

Troy's leave was ending and he was required back in San Diego on Friday, 19 October to start the process to join USS Anchorage as the ship continued its deployment.

In the midst of our grief over our older son's passing, we were now filled with anxiety and stress over how to respond to this legal matter in the very compressed time before Troy returned to San Diego.

We met Hunter through an introduction from a friend at church. Troy called Hunter's office Thursday morning, 18 October. Our conversation with Hunter involving the immediate steps of this legal matter greatly relieved our anxiety. As our discussion continued, we discovered that not only was Hunter a member of our church, and a fellow US Naval officer, but that he had also been aboard USS Anchorage a number of times.

As these commonalities became apparent, Hunter offered to represent Troy pro bono, and of course, Troy accepted.

Subsequent contact was primarily through email. Early on Troy gave permission for us, as parents, to be included in email. Troy flew to San Diego to begin the transit back to USS Anchorage and we helped as needed.

We were very pleased with the frequency and detail of email communication. Even though this was a pro bono legal service, we felt Troy was very well taken care of.

The court date eventually came and events transpired as indicated by Hunter that they would. No protection order was filed against Troy and he was free to finish his deployment without this legal issue weighing on his mind.

Hunter really came through for Troy and our family at what was a very difficult season of loss. He guided and managed us through this legal process and ultimately produced a result we were all extremely happy with.

We are truly grateful for his help.

Sincerely,
Troy, Zan and Alan Moens

March 11, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

I write to support your consideration of Hunter Abell to serve on the WSBA Board of Governors. Hunter is currently representing me in pro bono in a case involving a local tribe. Hunter is a blessing for me. I could not have done anything without Hunter. I sincerely thank you.

Thank you.

Sincerely,

James King

March 14, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support

To whom it may concern:

I write to strongly support your consideration of Hunter Abell to serve on the WSBA Board of Governors. I have known Hunter for nearly 30 years. We grew up together in Inchelium on the Colville Indian Reservation in Ferry County. Inchelium is a small town, and everyone knows everyone. After we both graduated from Inchelium High School, we stayed in intermittent contact as we both pursued careers and families.

During all the time that I have known him, Hunter has repeatedly shown himself to be a man of honor and integrity. I had the opportunity to work with him on a couple of legal items over the last roughly ten years. On both occasions, Hunter represented me without charge. I was very grateful, particularly as I was in the process of just starting my own business.

I believe the WSBA would be well-served by having Hunter serve in its leadership. I am happy to provide any further information you may need.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Casey Johnson".

Casey Johnson
Caseyj30@me.com

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form 1st Congressional District

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach a letter of application and resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Friday, March 15, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the office of Governor from the 1st Congressional District.

Sunitha Anjilvel

40659

Name of candidate (please print)

WSBA Bar #

Signature of Nominator (if relevant)

WSBA Bar #



Signature of Candidate

I understand and agree that as part of the Governor election process, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, I waive confidentiality of these materials to WSBA staff and the Board of Governors.

Anjilvel Law Group

800 5th Ave, Suite 4100, Seattle, WA 98104
(206) 922-2826 info@amlawseattle.com www.amlawseattle.com

Washington State Bar Association

Attention: Board of Governors

Dear Governors,

I am hereby submitting this application for the position of Board member for District 1.

I have been practicing family law in the Seattle area since 2008 and I am committed to serving the needs of the community. My solo practice caters to many clients from the Redmond-Seattle area with its burgeoning community of technology professionals. I am a member of the Diversity Committee of the WSBA and am very excited about our Committee's work in diversity outreach programs with our local law schools. I have also done volunteer work with the Kinship Care Project, (KCBA) the Northwest Immigrant Rights Project and I helped launch the KCBA blog, Pro Bono Dicta, a website that connects users to information about pro bono services.

The path to my current position was by no means a conventional one. After obtaining a degree in Philosophy at McGill University, I went on to get a law degree from Dalhousie University in Canada in 1990. I began my legal career as a government lawyer representing socio-economically disadvantaged individuals in family and criminal law courts in rural areas of Newfoundland and Labrador, Canada.

I relocated to Los Angeles, California in 1993, and was admitted to the California bar in 1995. where I practiced criminal and family law. While in Los Angeles, I also served as a director of a non-partisan political effort that placed a redistricting reform initiative on the California ballot in 2005. My experience in working with folks on both sides of the aisle taught me a lot about ways to build consensus.

Throughout my career the concept of service has been important to me. I believe that our members should always be guided by the basic principles of good governance and a clear understanding of our structure and bylaws. Dissent and disagreement on issues is to be expected among a group of lawyers. In my experience in working with opposing

Anjilvel Law Group
800 5th Ave, Suite 4100
Seattle, WA 98104
Office: 425-922-2826 | Fax: 206-988-0198
sunitha@amlawseattle.com

stakeholders, there is always a path to a rational measured dialogue that yields a fair and democratic resolution.

I understand that there is a significant time commitment to serving on the Board and am prepared to undertake that commitment. I would welcome the chance to work with you all and thank you for your consideration of my application.

Sincerely,

A handwritten signature in black ink, appearing to read "Sunitha Anjilvel". The signature is fluid and cursive, with the first name "Sunitha" and last name "Anjilvel" clearly distinguishable.

Sunitha Anjilvel

SUNITHA B. ANJILVEL

Dynamic attorney with twenty-nine years of experience as a litigator in family law, criminal law and civil litigation in a variety of courts in Washington State, California, and Newfoundland, Canada. Strong commitment to social justice and civil rights. Unique background managing high profile ballot initiative campaign in California working with different stakeholders on redistricting reform

EXPERIENCE

ATTORNEY AT LAW

May 2015-Present

Anjilvel Law Group, Seattle, Washington

Handle complex family law, estate planning and guardianship cases providing full service representation as well as unbundled representation to clients in need. Handled limited number of civil rights cases.

- Provided representation for clients in high conflict cases in family law involving complex property settlements and issues surrounding children, parenting plans, modifications, third party custody, de facto parentage, child support.
- Litigated multiple complex family law trials with successful outcomes.
- Participated in numerous mediation settlements, achieving resolution and avoiding trial to the benefit of the parties.
- Handled civil rights cases involving issues relating to discrimination based on race and gender orientation.
- Represented mother of deceased at a three day inquest before a jury investigating police misconduct.

SENIOR ASSOCIATE ATTORNEY

August 2014-April 2015

Engel Law Group, Seattle, Washington

Handled cases involving family law issues in Washington courts.

- Represented clients in family law including separation, divorce, child custody matters, modification of parenting plans and non-parental custody actions.
- Took two complex cases to trial, obtaining successful outcomes for clients.
- Represented clients at ALJ hearings involving child support.

ATTORNEY AT LAW

June 2008-August 2014

Law Office of Sunitha Anjilvel, Redmond, Washington

Handled cases involving criminal, family, and civil law issues in Washington courts.

- Represented clients in family law including separation and divorce. Drafted marital property settlement agreements and negotiated complex division of matrimonial assets and liabilities.
- Child custody matters including drafting of parenting plans, negotiating terms, and litigating on both initiating and defending domestic violence actions in Superior Court.
- Represented client and prevailed before ALJ regarding unemployment benefit denial.

ATTORNEY AT LAW

1995-2007

Law Office of Sunitha Anjilvel, West Hollywood, California

Handled a variety of cases involving criminal, family, and civil law issues in California courts.

- Drafted and argued complex civil litigation motions.

- Litigated civil rights anti-discrimination cases involving gender discrimination.
- Consultant to CEO of business technology enterprise.
- Represented clients charged with felonies and misdemeanors.
- Litigated issues relating to divorce, custody, and child and spousal support matters in family courts.

SUPERVISING DIRECTOR

2005

Californians for Fair Redistricting, Los Angeles, California

Managed non-profit multi-partisan organization which raised over \$800,000 to support California ballot initiative relating to legislative redistricting reform.

- Ensured organization's compliance with applicable campaign finance laws.
- Worked with a variety of stakeholders to raise money and public awareness regarding ballot issue.
- Supervised organization of fundraisers, worked on publicity campaigns, developed and implemented strategies to get vote out. Acted as liaison to form network of radically different partisan groups in support of the proposition.

STAFF ATTORNEY

1990-1993

Newfoundland Legal Aid Commission, Marystown, Newfoundland

Independently handled a large caseload of indigent clients (200+ open files a year) in adult and juvenile criminal law, family law and administrative law matters.

- Worked as criminal Duty Counsel in circuit courts across Newfoundland and Labrador as court appointed counsel. Made numerous appearances in the Supreme Court of Newfoundland as attorney of record in criminal indictable (felony) matters.
- Defended clients in complex cases involving government wiretaps and complex constitutional law issues. Did jury trials, criminal appeals, and sentence hearings.
- Represented clients in divorce, child custody, visitation and child welfare cases.
- Did Worker's Compensation and Social Assistance Benefits appeals at administrative hearings.

ASSOCIATIONS

Diversity Committee, Washington State Bar Association
Association of Conciliation and Family Courts
King County Bar Association
California Bar Association

VOLUNTEER ACTIVITIES

Volunteer attorney member

Diversity Committee, Washington State Bar Association

2018-20

- Appointed for two-year term to WSBA committee that addresses issues of inclusion and diversity in the WSBA community

Volunteer Attorney

2013

Kinship Care Project, King County Bar Association

Represented client through Kinship Care program of KCBA involving third party custody actions

Volunteer Lead Attorney

2010

Northwest Immigrant Rights Project

- Supervised law students in successfully obtaining a U visa for a client who acquired legal status in the country.

Member of PR Subcommittee of the KCBA Pro Bono Services Committee 2009-2010
King County Bar Association

- Member of standing committee that develops policy and oversees operations of the Bar's pro bono legal services program.
- Developed website/blog **Pro Bono Dicta** to educate lawyers and encourage members of the Washington State Bar to provide pro bono services to those in need.

Pro Bono Attorney, Volunteer Attorneys for Persons Living with HIV/Aids (VAPWA) 2009
Bailey-Boushay House, Seattle

- Drafted wills, advanced health care directives, and durable powers of attorney for persons living with HIV and AIDS.

EDUCATION

Dalhousie University, Halifax, Nova Scotia
JD, 1990

McGill University, Montreal, Quebec
BA, Philosophy, 1985

BAR MEMBERSHIPS

Washington State Bar, (active)
State Bar of California, (active)
Newfoundland Law Society, Newfoundland Canada, 1990 (inactive)

LANGUAGES

Fluent in Spanish and French

March 14, 2019

Bar Leaders

I write this letter on behalf of candidate Sunitha Anjilvel for the District 1 position on the Board of Governors for the Washington State Bar Association. I have known Ms. Anjilvel for several years, having observed her as a litigator in King County Superior Court. Since I left the bench in 2017, I have observed her in negotiations when I provided mediation services to her clients. She is a capable, common sense practitioner whose greatest gift is to engage with everyone she encounters in a relatable, thoughtful, open minded approach. While firm in her convictions and fidelity to her clients' positions, she is without doubt very bright, makes difficult decisions easily with a sense of both empathy and fortitude and is able to help others bridge gaps in reaching respectful accord. There is no question in my mind as to her ability to work collectively with other governors for positive, thoughtful leadership and to listen to membership and staff as WSBA faces a dynamic changing landscape in the practice of law. The board has signaled that it desires a change of direction. Sunitha Anjilvel would be an inestimable asset to such an effort so I readily agreed to write this letter at her request.

Although I write this letter as an individual member of the bar, I currently serve on the Family Law Executive Committee and so have some understanding of the current challenges at the leadership level of WSBA. My career path has been one that has left me grateful for the opportunities I have had to serve, as a public defender, prosecuting attorney, private practitioner and judicial officer. As I progressed through my career, I turned to WSBA on many occasions, from attending and lecturing at the organization's seminars, to joining sections, to participating in social functions and most recently, as an elected member on FLEC. I am concerned about the many challenges that currently face our state organization. From the Supreme Court workgroup, to legislation that would alter the very structure and charter of this organization, to the reputation and functioning of our organization that is imperiled by internal challenges, lawsuits and the orderly collaborative functioning of staff and leadership, WSBA faces many challenges in the coming years. Legal technicians, technological changes, decisions surrounding mandatory malpractice insurance and the changing landscape of the practice of law are forcing our profession to forge a nimbler, creative approach to the many services and duties provided by WSBA. I can honestly state that I can think of no better candidate with the requisite skills, emotional intelligence, character and fortitude to meet the current needs for leadership on the board than Sunitha Anjilvel. She will work hard to listen, to thoughtfully consider all of the diverse and skilled voices on the board, to offer her own sensible thoughts gained from a lifetime of experiences in respectfully resolving conflicts and is ready to make the tough calls that WSBA faces in the years ahead. I have dedicated the vast majority of my career to public service and recognize the impetus in others. Sunitha Anjilvel seeks this position from an unquestionable and transparent motivation of service to her profession, to her colleagues and to the public. She is a consummate professional and respectful to all in her dealings with colleagues or coworkers. I encourage you to consider her candidacy.

Respectfully Yours,

Jacqueline L. Jeske

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form 1st Congressional District

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach a letter of application and resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Friday, March 15, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the office of Governor from the 1st Congressional District.

Douglas R. Shepherd

9514

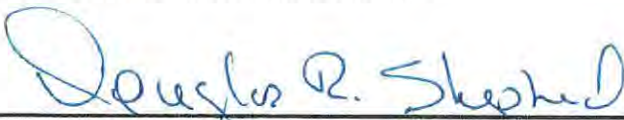
Name of candidate (please print)

WSBA Bar #



Signature of Nominator (if relevant)

WSBA Bar #



9514

Signature of Candidate

I understand and agree that as part of the Governor election process, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, I waive confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PST on March 15, 2019. Filing may be accomplished by emailing the scanned form and attachments to barleaders@wsba.org.

Bethany C. Allen, Esq.
Douglas R. Shepherd, Esq.
Kyle S. Mitchell, Esq.
Heather C. Shepherd, Esq.



SHEPHERD AND ALLEN
ATTORNEYS AT LAW

Jen Petersen, LLLT

VIA E-MAIL ONLY (barleaders@wsba.org)

March 12, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

RE: Board of Governors – District 1

To Whom It May Concern:

I write to apply for the position of Board of Governors for District 1. I believe my background, education and experience are an excellent fit for this position, and would allow me to contribute to the Board and our profession in this capacity.

I have been a licensed attorney in Washington for nearly forty years. Prior to opening my law practice in 1979, I served in the United States Navy for more than a decade. I understand the challenges and benefits of owning a law practice, as well as the enormous privilege and gift it is to practice law and serve the public.

I have served as past President of the Whatcom County Bar Association, as well as served as past president, board of governors, or director of many service organizations and non-profits, including but not limited to LAW Advocates, Rotary and Lions Club.

In combination with experience, I believe I offer a unique perspective. In addition to employing and working alongside dozens of attorneys over the past four decades, I clerked a Rule 6 to becoming a licensed attorney and associate in my office, and have the privilege to employ and work alongside one of Washington's first LLLTs.

The practice of law is an enormous gift and tremendous responsibility. The profession serves the public, its interests and needs, and is at a crucial juncture. It would be an honor to serve District 1 as its Board of Governors representative. Thank you for your consideration.

Respectfully,
SHEPHERD AND ALLEN

Douglas R. Shepherd

Douglas R. Shepherd
Shepherd and Allen
2011 Young Street, Suite 202
Bellingham, WA 98225
(360) 733-3773
dougshpherd@saalawoffice.com

DOUGLAS R. SHEPHERD

QUALIFICATIONS	Practicing attorney with nearly forty years of experience including public sector, private practice and public service.
WORK EXPERIENCE	SHEPHERD AND ALLEN (BELLINGHAM, WA), 1979-PRESENT (FORMERLY SHEPHERD & ABBOTT) Nearly 40 years' experience in civil and criminal trials, appeals, arbitration, mediation, etc. CITY ATTORNEY (EVERSON, WA), 1980-1986
ADMITTED TO PRACTICE	Washington State Bar, 1979 Washington State Supreme Court, 1979 U.S. District Court, Western District of Washington, 1980 United States 9 th Circuit Court of Appeals, 1987 United States Supreme Court, 1988
EDUCATION	Seattle University School of Law, J.D., <i>Cum Laude</i> - Am Jur Award, Trusts and Estates Rocky Mountain College, B.A., <i>History and English</i>
LEADERSHIP AND COMMUNITY EXPERIENCE	Whatcom County Bar Association, Past President LAW Advocates, Former Board of Directors Washington State Association for Justice, Board of Governors 1991-1995 Sunrise Rotary Club, Past Director Mt. Baker Rotary Club, Past Director Everson Chamber of Commerce, Past President Everson Lions Club, Past President First Congregational Church of Bellingham, Former Moderator (Twice)
MILITARY EXPERIENCE	Officer, United States Navy (1969-1980) Naval Flight Officer, Attack Squadron 196 (1971-1973; 149 Combat Missions in Vietnam, USS Enterprise) Flight Instructor, Attack Squadron 128, Whidbey Island, WA (1973-1976) U.S. Naval Reserves, Patrol Squadron 69 (1976-1980)
RECENT LECTURES, PRESENTATIONS AND FACULTY	Western Washington University, Quarterly Guest Lecturer, 2012-Present WSBA Solo & Small Firm Annual Conference, 2013 Faculty Whatcom County Bar Association CLE, Evidence 2012 NALS Annual Convention, 2011 Whatcom County Bar Association CLE, Expert Witnesses, 2010 Whatcom County Bar Association CLE, Motions in Limine 2009

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form

1st Congressional District

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach a letter of application and resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Friday, March 15, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the office of Governor from the 1st Congressional District.

Karrin Klotz

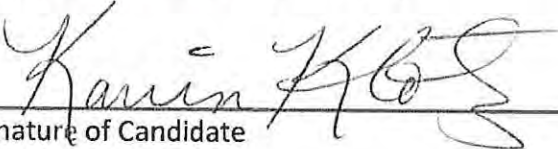
30984

Name of candidate (please print)

WSBA Bar #

Signature of Nominator (if relevant)

WSBA Bar #


Signature of Candidate

I understand and agree that as part of the Governor election process, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, I waive confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PST on March 15, 2019. Filing may be accomplished by emailing the scanned form and attachments to barleaders@wsba.org.

March 12, 2019
2646 183rd Avenue NE
Redmond, WA 98052

Washington State Bar Association

1325 Fourth Ave., Suite 600

Seattle, WA 98101-2539

Dear Sirs:

I am applying for a position on the WSBA Board of Governors, for District 1. I am an attorney with an extensive legal background in both private and in-house positions, specializing in business law and litigation. In addition, I have been a professor at UW for many years, teaching a class titled "Introduction to Law", as well as other classes on general business law, intellectual property law, environmental law and international law, and courses on the topics of negotiations and organizational leadership. My teaching experience has also included teaching a course on employment law to HR professionals through Bellevue College's Continuing Education Program.

In addition to my extensive and varied legal background I am currently a member of the WSBA Editorial Advisory Committee, and in the past have been a Chair and Member of the WSBA Public Information & Media Committee. Finally, I have been a Congressional Intern, as well as a law clerk to a U.S. District Court judge, and I serve on the boards of several national organizations.

I believe my broad legal experience as well as my background on generating legislation and preparing drafts of federal court decisions has given me the expertise to fill this position and all it demands. I have run campaigns as well, so have broad, practical experience in coordinating strategic goals and achieving a consensus, as well as in developing policies. My background in being on boards of organizations, as well as WSBA committees, will be helpful in serving as a liaison to WSBA's various committees, boards and sections.

I look forward to hearing from you. Please let me know if I may provide you with any additional information.

Sincerely,



Karrin Klotz, J.D.

KARRIN L. KLOTZ d'HONDT

2646 183rd Avenue NE
Redmond, WA. 98052
(425. 702.8638) karrink@aol.com

SUMMARY:

Substantial in-house experience in software licensing, biotech licensing, international law, intellectual property, business contracts, and technical support areas; major private law firm practice in complex business litigation, and advice to employers, specializing in intellectual property matters, business law, contracts, antitrust, employment, environmental, international commerce, and tort law. Professor at major universities, specializing in intellectual property, technology licensing and audits, environmental law, international law, and general commercial law issues, as well as ethics and negotiations topics.

WORK

EXPERIENCE:

- I. Current: Engaged in a combination of private practice specializing in the range of legal issues facing the global entrepreneur, including technology transfers from academic sources, and teaching. Teaching experience is as follows:

A. UNIVERSITY OF WASHINGTON

1998-present

Seattle, Washington; Bothell, Washington

Lecturer, UW Seattle School of Business Administration and UW Bothell. Have taught classes in intellectual property (including biotech and telecommunications issues), international, commercial, criminal, immigration, environmental, contracts and tort law, at M.B.A., Executive M.B.A., Technical Manager M.B.A, and undergraduate levels. This has included a joint M.B.A class listed by the regular M.B.A. program and the Center for Technology Entrepreneurship. I have also taught introductory business law, commercial law, and ethics classes at the undergraduate level. In addition, I have taught a class entitled "Legal and Ethical Issues for the New Technologies" in the UW Bothell M.B.A. program, and classes on introductory law, business law, and political science and the law at Bellevue College, Lake Washington Technical Institute, Seattle Central Community College, South Seattle Community College, and UW Bothell. This has included doing a mock trial exercise with the students. I have also taught a class in American Government, with a political science focus. UW law-related classes have included:

- "Managing Intellectual Property" class topics include copyright, trademark, trade secret and patent law issues, including biotech issues, at both the domestic and international level, as well as recent electronic contract, UCC and Internet-specific issues. Includes study of licensing provisions based on those concerns and negotiating issues.
- "Introduction to Law" and "Commercial Law" classes include brief presentations on the above topics, as well as general legal business-related issues such as jurisdictions of courts, organization of state and federal courts, constitutional law, law of business entity formations and issues concerning corporate governance and liabilities, trusts and estates, bankruptcy law, securities law, tort law, employment law, ADR issues, evidentiary issues, and general civil and criminal procedure issues.
- "Legal and Ethical Issues in the New Technologies" and "Legal Environment of Business" classes (M.B.A. level), and "Business, Government and Society" (undergraduate level) which address ethical and legal issues that arise from the initial phase of a new venture to its potential end. Topics include forms of business organization, securities law issues, intellectual property issues, contracts, torts, employment law, antitrust issues, international and e-commerce law, advertising law, and bankruptcy issues, as well as ethics and corporate social responsibility concepts.

Klotz Resume- page two

**B. SEATTLE UNIVERSITY, SCHOOL OF LAW: SEATTLE UNIVERSITY - ALBERS
SCHOOL OF BUSINESS AND ECONOMICS**

1999-2011

Seattle, Washington

Lecturer, Seattle University Law School, in clinical courses concerning technology licensing (including biotech licensing issues) and intellectual property audits. Also taught an international business law course. In addition, have taught classes on legal issues for new ventures and international business law at the Albers School of Business and Economics at Seattle University. Taught a CLE (Continuing Legal Education) class on Intellectual Property Valuations sponsored by the Law School. Specifics are:

- Teaching law students how to draft various forms of technology-related agreements and other documents, and how to do intellectual property audits. Includes negotiating practice sessions.
- Have taught an international business law course, which addressed such topics as investing in foreign businesses, selling directly and through distribution channels abroad, export and import restrictions, establishing a branch abroad, international intellectual property issues, repatriations and expropriations, local law restrictions, and international financing instruments.
- Presentation at CLE Conference on "Intellectual Property Audit & Valuation: What Do You Have & What is it Worth?"
- Presentation at Seattle University Business School seminar on Legal Issues for Entrepreneurs, on intellectual property issues for startups.
- Served as a moot court judge for a Seattle University Law School moot court team, during their preparations.

II. Past Experience: Corporate In-House:

A. WALL DATA INC.

1997-1998

Kirkland, Washington

Associate General Counsel.

- Responsible for international, intellectual property, employment and commercial legal matters, including bankruptcy issues. Instituted ongoing employee education training programs on these issues.
- Initiated export compliance program for encrypted product exports.

B. MICROSOFT CORPORATION

1994 - 1997

Redmond, Washington

- **Corporate Attorney**, for Enterprise Customer Unit, U.S. Field Operations, Education Customer Unit and Microsoft Technical Support. Awards for Web Response Project; Premier Global Program; MVP Program.
- Coordinated move of MS technical support forums from CompuServe® to the Internet; provided on-going advice concerning online issues with respect to MSN and www.microsoft.com.
- Presentations on legal issues at MS101 classes, and before Law and Corporate Affairs.
- Ongoing training of employees in all above divisions.
- Attended Global Summits, Worldwide Sales Meeting(s) and other company-wide sales meetings.
- Prepared and negotiated software licensing, beta test, evaluation and development agreements.
- Prepared and negotiated worldwide sales, support and partner agreements, including Premier Global, MCS/PSS Integrated Services Agreement, VanStar, Entex and Ernst & Young agreements.
- Coordinated support partners program for Windows® 95 launch. Coordinated closure of partner support centers.

Klotz Resume – page three

- Responsible for coordinating settlement of services portion of major patent litigation matter after 3 months on the job.
- Coordinated establishment of Novell®/Microsoft technical support strategic alliance.
- Developed North American anti-piracy program for Education Customer Unit.

C. AMDAHL CORPORATION

1992 - 1994

Sunnyvale, California

Corporate Counsel, for all UNIX®-related and other software development matters, including Amdahl's UTS® operating system. Counsel for hardware matters. Secondary emphasis on environmental and employment matters.

- Prepared and negotiated software portions of Amdahl/Sun Microsystems® and Amdahl/Fujitsu/ICL strategic alliance agreements, making it possible for Amdahl to move quickly in a new direction of emphasis, from hardware to software. Award for work on Amdahl/Sun agreements.
- Drafted, reviewed and negotiated domestic and international technology licensing (including source code licensing), OEM, development, and distribution agreements related to open systems and communications products.
- Renegotiated major international contract, saving Amdahl \$1 million and resulting in a more favorable contract.
- Successfully resolved intellectual property, employment and other disputes before they escalated into litigation.
- Analyzed international intellectual property laws and advised on risks of sending product into particular countries.
- Reviewed/authorized publication of software marketing materials and press releases worldwide; performed trademark searches and advised on use of proposed product names.
- Management of outside counsel and pretrial resolution of intellectual property infringement and other issues.

D. APPLE® COMPUTER; AIR TOUCH® COMMUNICATIONS

Various

Cupertino/San Francisco, California

Drafted and negotiated nondisclosure, software licensing and telecommunications agreements, including database and operating system licensing agreements. International practice.

III. Past Experience: Private Practice

A. PILLSBURY, MADISON & SUTRO; DONAHUE, GALLAGHER, THOMAS & WOODS

1986 - 1992

San Francisco/Oakland, California

Associate Attorney specializing in complex business litigation and advice to employers on antitrust, products liability, employment, environmental and construction matters. Substantial appellate practice.

- Prepared the pleadings that won Autodesk® its first search-and-seizure order in California federal courts.
- Prepared letter to head of Software Publishers Association which generated legislation making copying of software a felony.
- Produced the form complaint utilized by anti-piracy programs patterned on Autodesk's program.
- Associate attorney on major products liability lawsuit involving court reporter system, including software, for Convergent Technologies®.
- Prepared research memorandum for successful summary judgment motion on antitrust issues for Haagen-Dazs.

Klotz Resume – page four

- Worked with senior partner to settle BART/Westinghouse construction dispute favorably to client, thereby saving BART substantial projected litigation costs.
- Prepared dispositive motions and arbitration briefs on employment law matters, which resulted in the awarding of judgment to the employer without the necessity of trial.
- Pro bono matters, including court appearances.
- Participated in an in-house trial attorney training program.

B. U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS
1985-1986 Houston, Texas

Judicial Clerk for the Hon. Gabrielle K. McDonald. Responsibilities included intellectual property, international law, admiralty law, and employment matters.

- Prepared drafts of judicial opinions and orders; researched evidentiary questions which formed the basis for judicial decisions.
- All opinions that I prepared were affirmed on appeal.

C. NATIONAL LABOR RELATIONS BOARD, Appellate Court Branch
1984 Washington, D.C.

Law Clerk for the Appellate Court Branch. Prepared briefs on behalf of NLRB to Courts of Appeal. Initiated and negotiated settlements.

- Won an appeal which became a seminal case on the issue of unions' right to information.

OTHER TEACHING EXPERIENCE:

A. UNIVERSITY OF PHOENIX
1989 - Present San Jose, California and Seattle, Washington

Faculty Member, teaching all aspects of business law, business ethics and critical thinking to undergraduate and graduate students in the Business Administration program. Ace Instructor Award, 1993.

B. UNIVERSITY OF WISCONSIN, MADISON, LAW SCHOOL
Madison, Wisconsin

Legal Writing Instructor, teaching all aspects of analytical legal writing, including at the appellate level.

EDUCATION:

A. UNIVERSITY OF WISCONSIN, MADISON, LAW SCHOOL

JD, 1985. Leon Feingold Memorial Award. Dean's Honor List. Robert P. Wagner National Moot Court Team – 3rd place. President, Nathan P. Feinsinger Labor Law Society. University of Wisconsin Representative, Labor Law Section, Wisconsin State Bar Association. Legal writing instructor. International Labor Relations Board; Brown Lung Project.

B. UNIVERSITY OF CALIFORNIA, BERKELEY

BA, Political Science. Phi Beta Kappa. Mortar Board (senior women's honor society). Prytaneans (junior women's honor society). United States Congressional Intern for Representative William S. Mailliard, Sr. President – Undergraduates of Political Science. Student representative – Faculty Committee for Political Science Department. UC Berkeley Representative – National Conference on the Study of the Presidency.

C. MILLS COLLEGE. **Oakland, CA**. Majored in Government. Dean's List.

PROFESSIONAL MEMBERSHIPS:

- Member – Washington, California and District of Columbia Bar Associations. Currently a member of the WSBA Editorial Advisory Committee.
- Past Member of. Committees on Litigation, Government. Contracts, and Federal Practice - California State Bar Association.
- Member - U.S. District Courts for the Northern, Central, and Eastern Districts of California, and the Western District of Washington.
- Chair, Member - Public Information and Media Relations Committee of the Washington State Bar Association.
- Member – Intellectual Property; Business Law; Employment Law; and International Law Sections of the Washington State Bar Association.
- VP- Washington Women Lawyers – VP, Legacy Project. Produced film “Her Day in Court”. Prepared proposal for new mandatory CLE on “Equity, Inclusion & the Mitigation of Bias” that received endorsement of WWL and 8 other minority bar associations. Currently before WSBA for consideration of its adoption.

PRESENTATIONS AND PUBLICATIONS:

Presentations:

- CLE Moderator on “First Annual Women’s History Month” program, 2018
- CLE on “International Legal Issues and Cloud Computing Services”, International Law Section, WSBA, May 2016
- "Auditing Intellectual Property: What Is the Benefit of an IP Audit, Who Needs One, and Why, How and When to Audit", with Jonathan I. Feil, Esq., 11th Annual Intellectual Property Institute, WSBA, March 24, 2006.
- "Brands, Images and Sounds", conference on jurisdictional issues co-sponsored by the Shidler Center, WSA and Small Business Administration, April 2005.
- Moderator for panel discussion on "Emerging Legal Issues on the Internet", Northwest Business 2005 Conference, February 2005.
- "Valuation of IP", Seattle University Law School conference on Intellectual Property Audits, January 2004.
- "Intellectual Property Issues Pertinent to Developing New Technologies", Society of Technical Communicators, October 1999.
- "Employment Law Issues", San Francisco Business Women's Leadership Association, March 1991.
- Presentations before visitors from foreign nations on international intellectual property and e-commerce issues under the auspices of the International Visitors Program, co-sponsored by the World Affairs Council and the U.S. Department of State.

Publications:

- "Intellectual Property Audits: They're Not Just for High-Tech Companies", published as part of the proceedings of the McMaster World Congress on Intellectual Capital and Innovation, Hamilton, Ontario, Canada, January 2007.
- "Glass Artists Face Off In Court", by Timothy Egan, interview by the New York Times, June 1, 2006.
- "Glass Houses", by Jen Graves, interview in The Stranger, Feb. 16, 2006.
- "Asbestos, Creosote, PCB's, Plastics in Firefighting", co-authored with the Safety Director of the United Firefighters of Los Angeles City, 1980.

COMMUNITY SERVICE AND PERSONAL INTERESTS:

- Board of Trustees - Puget Sound Association of Phi Beta Kappa.
- Legal Mentor – Alliance for International Women’s Rights.
- Adviser, UW Bothell – DECA national competition.
- Board of Directors, Chair of Scholarship Committee – AAUW (Am. Assoc. of University Women)

Klotz Resume – page six

- Criminal Appellate Project –California government-sponsored program.
- Mentor - Seattle Girls School
- Chair and Southern California Co-Chair - Initiative campaign on the Stanislaus River. Whitewater River Guide.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: May 3, 2019
RE: Limited License Legal Technicians Presentation

Enclosed please find the resumes of Dianne Loepker, Kellie Dightman, and Sherri Farr, the three Limited License Legal Technicians (LLLTs) who will be presenting on Thursday, May 16, 2019, at 1:15 pm, regarding working with LLLTs in the community.

Enclosures

Dianne Catherine-Balch Loepker

Education

University of Washington School of Law – Limited License Legal Technician – Certificate June 2017

Bachelor of Science – Social Science with emphasis in Political Science and Legal Studies
Portland State University – Graduated June 2013

Associate Transfer Degree – Management Certificate
Spokane Falls Community College/Spokane Community College

Advanced Civil Litigation Paralegal Certificate
Washington Online – The Paralegal School

Professional Experience

Limited License Legal Technician
Premier Legal Technician Firm, LLC
805 Broadway Street, Suite 510
Vancouver, WA 98660

April 2018 – Current

Principle Limited License Legal Technician (“LLLT”) providing clients with assistance with family law matters, including dissolutions, legal separations, parenting plans and domestic violence. My current practice is located downtown Vancouver, but I have clients in Cowlitz County, Skamania County, Pierce County, Thurston County and Spokane County.

- Volunteer Work associated with my LLLT business
 - Cowlitz County Bar Association – President 2019
 - Clark County Bar Volunteer Lawyers Program
- Reid Law, PLLC – I have an association with Reid Law to provide unbundle services. This includes clients from both companies engaging for separate pieces of work. Reid Law will send work to me to assist with research, drafting and case management. I will send work to Reid Law for anything outside my scope, such as appearing at hearings, settlement conferences and trial.

Operations Analyst III
Flux Resources, LLC (f/n/a David Evans & Associates)
5000 Meadows Road, Suite 310
Lake Oswego, OR 97035

February 2, 2014 – Current

Contract position assigned to the Transmission Services Policy Regulatory at Bonneville Power Administration (“BPA”) to provide expertise and development of an Open Access Transmission Tariff Compliance Program. Responsibilities include but are not limited to the following tasks:

- Open Access Transmission Tariff and BPA’s Settlement Proposal for their new 212 Process
 - Assisted on various projects relating to the managing of BPA’s OATT, including developing a *pro forma* Tariff using FERC’s current Tariff from 2007 and incorporating orders that affected the current *pro forma* Tariff; then preparing a redline of FERC’s *pro forma* Tariff to BPA’s current Open Access Transmission Tariff (“OATT”).
 - Prepared an excel spreadsheet to show BPA’s changes from FERC’s *Pro Forma* Tariff. Continue to provide support with the management of the excel spreadsheets, Sharepoint site and dashboard. Participate in weekly regulatory lead meetings and work with the Regulatory Leads in their assignments and answering questions for their respective topics.
 - Manage tracking tool for each line item of the tariff and what the status of the review is in.

- Agency Decision Framework (“ADF”) Specific Template – assisting the regulatory team with the ADF specific template for presentment at the PFGA Manager’s meeting.
- Assisting Team with managing timelines for the 212 Process.
- Manage the word version of BPA’s OATT, to include hard copies, distribution of the OATT to transmission organizations. Retain older versions of the OATT for historical purposes.
- Participated as a Core Team Member in the development of the OATT program and handbook, in collaboration with the BPA’s Compliance and Legal Department as directed by the Charter.
 - The Core Team developed the handbook as part of the program which provided procedures and policies for detecting and remediating instances of non-compliance with BPA’s OATT.
 - I provided expertise in the development of the OATT Program and handbook utilizing my experience with the OATT, federal regulatory understanding and IOU perspective.
 - I lead the Core Team in the preparation of the Program Handbook, by taking the lead on the pen ensuring that the materials being developed could be understood by anyone, even if they did not have an understanding of the OATT.
 - Assisted in the development of the project timeline.
 - Lead Core Team Member meetings prior to the Project Manager being hired late in the project.
 - The Core Team participated in presenting to Executive Sponsors, TS Managers on a regular basis the status of the project.
 - The Core Team developed materials to identify and effectuate cultural changes with the implementation of the program.
 - Assisted subject matter experts when called upon to help with drafting questions and identifying evidence to provide compliance with OATT sections.
 - Assisted with developing the criteria for the subject matter experts to assign risk in assessing future non-compliance gaps. This information was used in the determination of what sections of the OATT would be reviewed by BPA’s Compliance Department for the audit cycle.
- Created OATT Training SharePoint Site – providing the structure for the development of training materials by breaking down the key components of the Tariff, in coordination with BPA’s Compliance and Legal Department.
- Presented at the Transmission University a breakdown of Federal Energy Regulatory Commission (“FERC”) major orders from Order 888 through Order 1000.
- Monitor and review the FERC on a weekly basis and write a FERC Summary Report, which identifies filings and issuances that may be important to staff working on BPA’s policies. This includes Energy Imbalance Market, California Independent System Operator; Pacific Northwest independently owned utilities, North America Energy Standards Board (“NAESB”) and Western Electricity Coordinating Council (“WECC”) filings which can have an impact upon BPA’s business units.
 - Prepared an overview and presentation on the FERC Commissioners.
 - Developed SharePoint site page to track all NOPR’s, ANOPR’s and major orders to indicate when they were published, which organization is leading the comments and if comments are filed by BPA.
- Mid-Columbia Issues – Participate as Core Team Member in the development and collaboration of policy on how BPA will address future issues relating to the Mid-Columbia. This includes development of the Charter, SharePoint Site and Project Schedule.
- North America Energy Standards Board (“NAESB”) – Participate as stakeholder for Wholesale Gas Quadrant gas harmonization, contracts subcommittee and business practice subcommittee. Assist with research on Code of Federal Regulations, legal standards and FERC requirements.

Contract Paralegal
Reid Law, PLLC
805 Broadway Street, Suite 510
Vancouver, WA 98660

February 2013- April 2018

Contract paralegal, assisting Reid Law with their family law matters, including managing his docket, preparing legal documents, presenting to the Court, trial notebooks and preparation for hearings and trial.

Paralegal, Commercial & Trading

March 2007 – January 2014

Dianne Balch Loepker 2

PacifiCorp

825 NE Multnomah Street, Suite 600
Portland, OR 97232

Provided support to the Assistant General Counsel with case management of legal issues on the commercial and trading floor. Responsibilities include but are not limited to the following tasks:

- **Liaison** for legal issues on the commercial and trading floor this includes coordinating and responding to requests for legal issues between the business units, PacifiCorp Energy Legal and outside counsel. Drafting the Legal Weekly Report, Litigation Strategy Memos and Quarterly Litigation Memos.
- **Federal Energy Regulatory Commission** – My responsibilities comprised of FERC Standards of Conduct, risk policy as it relates to legal issues, codes of conduct, ethics, antitrust, NERC mandatory standards and / or audits, and other areas as appropriate.
 - I was responsible for all required Commercial and Trading filings with FERC and BPA. This includes market based rate triennial filing, change in status filing for each 100MW of new PacifiCorp generation, energy contract filings and terminations and all comments to FERC Notices of Proposed Rulemakings (“NOPR”), Notice of Inquiries (“NOI”) and requests for comments.
 - I was responsible to monitor FERC website and prepare FERC summaries of FERC NOPRs and / or NOIs, as well as filings made by other utilities, which might have an effect upon PacifiCorp Merchant. Prepare and distribute interventions, comments and protests as needed for legal and business unit input, finalize, file and serve. I served as the FERC specialist for the commercial and trading floor, responding to requests, interpretation of policies and orders, as well as retrieval of historic documents.
 - Additionally, in accordance with FERC’s Order 714 E-tariff, I prepared and successfully filed six merchant tariffs on behalf of PacifiCorp Merchant, and continue to maintain and file all tariff changes on behalf of PacifiCorp Merchant.
- **Compliance** – assist with discovery requests for internal and external audits to ensure that the commercial and trading floor are in full compliance of reliability standards. I played a key role in the WECC audit by coordinating all requests and responses for the merchant side of the Company, drafting inter-company service level agreements, mitigation plans and tracking documents. I also managed the FERC audit working directly with the FERC appointed independent auditor, attorneys and staff in identifying the appropriate staff for each question and producing the responsive materials to the auditor.
- **Due diligence for mergers and acquisitions**, which included the Chehalis Generation Plant; Apex Plant and MidAmerican’s bid for Constellation, West Valley, several Wind Plants and Nevada Energy.
- **Due diligence for First Mortgage Bond Offering** by coordinating company-wide poll for material contracts, litigation updates and coordination of legal due diligence. Coordination of the materials has to done with outside counsel and MidAmerican in a matter of days.
- **Contract Administration** – various projects with issues relating to notice provisions, right of first refusal, roll over and termination. Coordinated the legal review of all current contracts and prepared spreadsheet analysis to assist the legal department with its analysis of various issues, including status of filed agreements at FERC, notice provisions and termination of *pro forma* agreements and tariffs. Additionally, the legal team worked with Contract Administration to develop tools for tracking agreements and the deadline dates associated with them. I also performed corporate governance relating to authority to execute any merchant contract and give guidance on the steps of authority to complete the transaction.
- **Litigation** – case management of complex issue litigation, including issues relating to contract disputes, gas contamination, curtailment, environmental redispatch and U.S. Court of Appeals for the Ninth Circuit. I was responsible for conducting and maintaining litigation holds for the merchant side of the Company.
- **Trademarks and Patents** – manage outside counsel relating to litigation and trademark issues. This included identifying trademarks and patents owned by the Company, organizing a tracking docket for trademarks and the time associated to renew or cancel trademarks. Prepare trademarks and gather the proper documentation and file with the Secretary of States in our territory. In cases of litigation, I perform the due diligence and draft the litigation notices.
- **Corporate Secretary’s Office** – manage PacifiCorp’s corporate secretary’s office, which includes eleven subsidiaries and file more than 100 annual reports for the Company, maintaining PacifiCorp’s compliance within the jurisdictions that we conduct business; setting up subsidiaries and foreign qualifications,

- draft board resolutions and elections, bond offerings, SEC issues, 10-K and 8-K issues.
- **Extern Program** – responsible for the management of the externship program, which includes screening applicants, hiring process, and developing legal program.

Legal Assistant – Advocacy & Disputes (Environmental/Energy Litigation) June 2005 – December 2006
Preston Gates & Ellis LLP
 601 West Riverside Avenue, Suite 1400
 Spokane, WA 99201

Provided support to three busy litigators, with case management of environmental/energy cases before various administrative agencies (i.e. Pollution Control Hearing Board, Public Utility Commissions, FERC, etc.)

- Legal research and writing; drafting pleadings and correspondence.
- Review FERC website, BPA and Inside FERC electronically; prepare electronic news release for staff attorneys and clients regarding issues affecting energy regulated companies.
- Assist attorneys with the intern program by coordinating interviews with all of the attorneys in the office/and or practice group; tracking of all applications and responses; preparing the Rule 9 applications to the WSBA and arranging for attorney supervision.
- Assist multiple attorneys with client development, which includes identifying potential market opportunities; preparing marketing materials and follow-up materials. This included me using my contacts at Avista Senior Management level to allow senior attorneys at Preston Gates to make a presentation to Avista. Participants included Avista's President, all senior vice presidents, general counsel as well as Senator Slade Gordon and senior partners from Preston Gates & Ellis located in California, Washington, Oregon & Washington, D.C. I was responsible for bringing this group together, preparing analysis on legal issues (types and matters) that Avista had previously litigated and Company profile.
- Assisted Avista Corporation's VP and Chief Counsel with reporting requirements for CLE's and processing their license renewal documents.

Paralegal Specialist – Federal Regulatory Affairs Department
Portland General Electric Company
 121 SW Salmon Street
 Portland, OR 97204

July 2004 – June 2005

- Assisted the Director of Portland General Electric's Federal Regulatory Affairs Department in her duties of overseeing that the company was in compliance with all federal rules and regulations' coordinating meetings with FERC Commissioners & public officials; managing the daily schedule; travel, accounts payable, payroll and expense reports. Additionally, I prepared the Department's yearly budget and reviewed it monthly to make adjustments as necessary.
- Assisted in coordinating inter-departmental projects; monitored BPA and FERC for issues that could impact the company; assisted with reviewing and preparing the annual budget and implemented the changes.
- Paralegal support to the Federal Regulatory Affairs Department with compliance filing for the company.
- Coordinated and participated in weekly meetings with department managers and other investor-owned utilities regarding issues before BPA and FERC.
- Review all FERC, BPA and Court of Appeals dockets that PGE is a party to and set up new procedural tracking system.
- Assisted with all FERC filings; Manage FERC, BPA and Court of Appeals cases; Draft pleadings, memorandums and correspondence.
- Perform legal research as needed for active cases.
- Review FERC daily for new filings with special emphasis on standards of conduct.
- Assist with standards of conducts and compliance. Review the company's current filings at the federal level and develop system for tracking all reports due by the company to federal agencies.
- Assists other departments on a needed basis with legal research and litigation support.

Legal Assistant – Energy Utility Practice Group
Paine, Hamblen, Coffin, Brooke & Miller LLP
717 West Sprague Avenue, Suite 1200
Spokane, WA 99201

March 1, 1998 – July 19, 2004

Provided support to two busy senior partners in the utility practice group.

- Case management of power and transmission rate cases before the BPA and the Washington Utilities and Transportation Commission.
- Case management of regulatory cases before FERC.
- Case management of the various appeals before the 9th Circuit and D.C. Circuit due to market manipulation in California.
- Complex water right cases before the Montana Water Court.
- Legal research as needed.
- FERC filings and document retrieval; draft pleadings, memorandums and correspondence; utility contracts (power purchase and sale; BPA, WSPP, ISDA, NAESB, EEI Master Agreements, franchise agreements, etc.).
- Docketing and file management.
- In addition to my regular duties, I assisted the hiring committee from 2001-2004 with respect to the firm's intern program and new associate hiring. This included organizing the on-campus interviews; preparation of the firm's internal manual; tracking of all applications and responses; rule 9 and rule 221 applications; assisting and mentoring the summer and school year interns with administrative questions and teaching them how a large firm operates.
- Assisted on an as needed basis, the Senior Vice President and Chief Counsel to Avista Corporation with preparing briefs, memorandums, tracking his continued legal education credits and license renewals.

Volunteer Work

Washington State Foster Care Program – Foster Care Parent Licensed for 16 years.

Cowlitz County Bar Association – President 2019

Clark County Volunteer Lawyer's Program 2018 – current

Skills/ Training

- Advance skill level with Microsoft Office Suite – Word, Excel, PowerPoint and Outlook.
- Advance skill level in research and writing.
- Experience with Visio, SharePoint and Web design
- Agency Decision Framework Training – 2018
- 19 years working with regulatory agencies involving the Federal Energy Regulatory Commission, including tariff management, investigations, mergers and acquisitions.
- I have a large networking group, with contacts at the senior management level for the Northwest IOUs.

Kellie Dightman
P.O. Box 6192
Olympia, Washington 98507
(360) 310-4043
kelliedightman@gmail.com

PROFESSIONAL HISTORY

2016-present **Kellie Dightman Legal Technician, LLC**
Olympia, WA

- ◆ Advise and assist pro se clients with divorce, legal separation, parentage/paternity, child support, and protection order actions that fall within the LLLT scope of practice
- ◆ Explain the court process to clients, give legal advice, complete mandatory court forms, drafting pleadings, and prepare cases and clients for hearings and trials
- ◆ Mediate disputes as an trained objective third party
- ◆ Perform Notary Public Services

2010-2016 **Kellie Dightman Investigations and Paralegal Services, LLC**
Olympia, WA

- ◆ Conduct background investigations, witness interviews, report writing, physical locates and service of process
- ◆ Assist attorneys with drafting and proofing of pleadings, filing, calendaring, client relations, interviews, and trial preparation using current technology and court procedures
- ◆ Perform Notary Public services

1995-2005 **Victoria's Custom Painting** **Sole Proprietor**
Phoenix, AZ

- ◆ Fulfilled all licensing regulations for Arizona Registrar of Contractors
- ◆ Maintained accurate records of all transactions, contracts and client contact
- ◆ Handled all bookkeeping
- ◆ Prepared all federal, state and city tax returns
- ◆ Created client database and designed targeted advertising
- ◆ Performed all phases of industry standard preparation and painting of residential and commercial interiors and exteriors

EDUCATION

2014-2015 **University of Washington School of Law**
Seattle, WA

- ◆ Completed the Limited License Legal Technician Family Law Program

2010-2013 **Washington State University** **Criminal Justice**
Pullman, WA

- ◆ Earned Bachelor of Arts Degree

2008-2010 **Tacoma Community College Paralegal Program**
Tacoma, WA

- ◆ Earned Associates of Applied Sciences Paralegal Degree approved by the American Bar Association (3.979 GPA)
- ◆ Inducted into Phi Theta Kappa, International Honor Society of the Two Year College

EXPERIENCE

Spring 2010 **Pierce County Department of Assigned Counsel**
Tacoma, WA

- ◆ Interned for Investigation Services
- ◆ Served subpoenas and delivered confidential documents
- ◆ Retrieved court copies from various jurisdictions
- ◆ Assisted incarcerated clients with viewing/reading discovery
- ◆ Completed background and other searches

Summer 2009 **Office of the Attorney General**
Tacoma, WA

- ◆ Interned for the Social and Health Services, Torts, and Labor and Industries Divisions
- ◆ Sorted and prepared discovery for dependency trials
- ◆ Drafted legal pleadings
- ◆ Conducted criminal records searches
- ◆ Attended juvenile court proceedings
- ◆ Attended and participated in depositions
- ◆ Attended and participated in L & I review hearing

1999-2001 **Maricopa County Court Appointed Special Advocate (CASA)**
Phoenix, AZ

- ◆ Appointed as CASA by presiding juvenile court judge
- ◆ Acted as a representative of the court to advocate for children in the juvenile court process by submitting my assessments of the parties and case recommendations
- ◆ Interviewed all parties involved with assigned cases, including CPS case workers, guardians ad litem, attorneys, biological parents, foster parents and police
- ◆ Completed approximately 30 hours of intense training in procedure, drug/alcohol abuse, and identifying child abuse and neglect

MEDIATION TRAINING

January 2017 **40 Hour Professional Mediation Training**
Dispute Resolution Center of Thurston County

May 2017 **20 Hour Family Mediation Training**
Dispute Resolution Center of Thurston County

VOLUNTEER WORK

- ◆ Thurston County Volunteer Legal Services Legal Clinics in Olympia and Shelton
- ◆ Weekly Legal Clinic for Family Education and Support Services (FESS) in Olympia



SHERRI FARR

The Farr Law Office, Sherri Farr Legal Technician

Po Box 61637
Vancouver, WA 98666
360-910-8792
Sherri.Farr.LLLT@gmail.com

Employment History:

The Farr Law Office	Limited License Legal Technician Family Law 04/2018 to Present
Law Office of Rachel Brooks	Paralegal Guardianship, Probate, Estate Planning 05/2018 to Present (part time)
Title 11 Guardian ad Litem Clark and Cowlitz Counties	Guardian ad Litem 2016 to Present (part time)
Mitchelson Law Office	Paralegal Civil Litigation, Probate Guardianship, Estate Planning, Personal Injury Domestic Relations Medical Malpractice Business Formations 01/2002 to 09/2018

Licenses/Degrees/Certifications:

Limited Licensed Legal Technician WSBA LLLT #133
 PACE Registered Paralegal 2016
 Associates Degree in Paralegal Studies with Honors 2001
 Certificate of Proficiency in Paralegal with Merit 2001
 King County Title 11 Guardian ad Litem Certification 2016
 Clark County Title 11 Guardian ad Litem Recertification 2017, 2018

Sherri Farr
The Farr Law Office, Sherri Farr Legal Technician Page 1 of 2

Associations/Memberships:

Washington State Bar Association

- Family Law Section

Clark County Bar Association

- Elder Law Section
- Family Law Section

Cowlitz-Wahkiakum County Bar Association

- Secretary – Board of Directors 2019

Washington State Paralegal Association

SWEAP (Southwest Washington Elder Abuse Prevention) Board Member

Volunteer Work:

- Clark County Title 11 Guardian ad Litem Education Committee
Presenter – GAL Nuts and Bolts Re-certification Training May 2018
- Clark County Volunteer Lawyers
Monthly Family Law clinic
Guardianship clinic (when needed)
- Cowlitz Wahkiakum County Legal Aid
Monthly Family Law
- Clark County Courthouse
Monthly Family Law clinic

Formal Education:

University of Washington School of Law-Family Law Courses-Limited
Licenses Legal Technician Program 2016/2017

Mediation Training and Consultation Institute, (Elder Law) 2017

Mediation-Basics Training, 2017

Clark College Paralegal Studies 1998-2001

Multiple continuing legal education trainings -*information available upon request*

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: April 30, 2019
RE: Election of 2019-2020 President-elect

ACTION: Elect **Alec Stephens, Kyle Sciuchetti, or Zachary Mosner** to serve as the 2019-2020 President-elect of the Board of Governors, with a term starting at the conclusion of the Board meeting on September 27, 2019.

Attached please find applications and letters of support for the 2019-2020 President-elect¹ candidates, listed in order of appearance, which was determined by random drawing:

1. Zachary Mosner
2. Kyle Sciuchetti
3. Alec Stephens

Enclosures

¹ "If at the time of election, no President-elect in the preceding three years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington." WSBA Bylaws Sec. VI.D(2) (May 18, 2018).

WASHINGTON STATE BAR ASSOCIATION

President-elect Application Form

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement may be published on WSBA's website.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 22, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for President-elect position of the Washington State Bar Association

I, the undersigned active member of the Washington State Bar Association, am running for the position of President-elect.

Zachary Mosner
Name of candidate (please print)

9566
WSBA Bar #

Signature of Nominator (if relevant)

WSBA Bar #

Zachary Mosner
Signature of Candidate

Note: By signing this form, the candidate understands and agrees that as part of the election process for this president-elect position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 22, 2019. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

Zachary Mosner
Retired Washington State Attorney General
4827 Beach Drive SW
Seattle, Wash. 98116
206-466-5859

March 21, 2019

Re: President-Elect Position State Bar-Letter of Interest and Summary

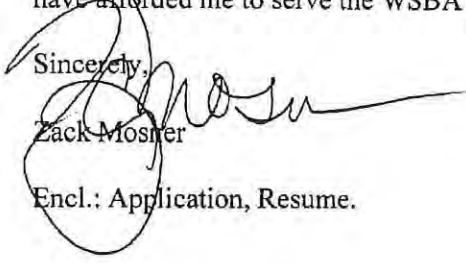
Dear Colleagues:

I have enclosed a detailed resume that can amplify any points made herein and which allows you to review and inquire further as to anything appearing therein. I retired from the Office of the Attorney General at the end of 2017. I served as an Assistant Attorney General for over 24 years, helping organize the Bankruptcy & Collections Unit from its inception. For a significant period of time, my indirect supervisor was current Chief Justice Mary Fairhurst. During my career I developed several national and state test cases on key tax and insolvency matters, culminating in two cases before the U.S. Supreme Court, officially as *amicus*. I am admitted to that court as well. I had a solo career from 1984 to 1993 which thoroughly enveloped me in issues tied to office economics, client communication and development, service affordability and ethics. During that period, you will note I wrote for the Bar News on key topics and began service in ethics as Special District Counsel. Later I served on the then RPC Committee, later chairing it. I also was on the Disciplinary Board from October 2004 to 2007, concluding my involvement in ethics serving the State Supreme Court as Conflicts Review Officer from September 2008 to 2017. I have appeared in the state Supreme Court, and the court appeals, as noted.

I have served several non-profit boards throughout the state and this country. I was Coordinating Editor for the American Bankruptcy Institute Journal from 2012 to 2016. I served as President and Vice-President, as well as board member from inception (1994) for the States Association of Bankruptcy Attorneys. I have served on numerous CLE panels in the field of foreclosure, bankruptcy and ethics locally and regionally. I am aware of the challenges the WSBA faces as the court reorganizes to comport with evolving case law and ABA guidelines. I know that change is coming, and I understand how to take that change and translate it into change for the good and to benefit our membership even more going forward. As a retiree I have the time and energy to see things through with strength, determination and humor. Let me know if there is interest in discussing this further.

I sincerely appreciate your consideration of this material and the opportunities you have afforded me to serve the WSBA and its membership.

Sincerely,


Zack Mosier

Encl.: Application, Resume.

Zachary Mosner
Former Assistant Attorney General-Bankruptcy and Collections Unit
State of Washington
4827 Beach Drive SW
Seattle, Wash. 98116
HOME: (206) 466-5859
zmosner@gmail.com

EDUCATION:

University of Puget Sound School of Law (now Seattle University School of Law), Tacoma, Wash. J.D. May 1979.

Cornell University, Ithaca, N.Y., B.S., June 1974.

Major: Industrial and Labor Relations.

Concentrations: Urban Affairs, Literature.

Awards: Deans List; Wallen Scholarship; Activities: Resident Advisor, Dorms; Elmira Recovery Action; Intramural Referee; Voter Registration.

LEGAL EMPLOYMENT:

*Assistant Attorney General: State of Washington Bankruptcy & Collections Unit. September 1993 to December 31, 2017. Assisted in the formation of the Unit and development of policy and test cases for a tax-oriented collection group—culminated in one instance in the §1146(a) stamp tax case in the U.S. Supreme Court of *Piccadilly*. Supported other state agencies on issues relating to drafting of administrative regulations, contract review, legislation, negotiation, and protection of police and regulatory powers of the State. Motion and trial experience; related appellate practice. Drafting, lobbying and testimony before state legislature on proposed Uniform Tax Lien statute.*

Law Offices of Zachary Mosner: 1000 Second Ave. 35th Floor, Seattle, Wash. 98104. August 1984-September 1993. Creditor representation (state and federal courts); real property foreclosure; commercial litigation; business workouts and reorganization; business planning and advice.

Gordon, Thomas, Honeywell, Malanca, et al.: 2101 One Union Square, Seattle, Wash. 98101. 1987. Of Counsel.

Shulkin, Hutton & Bucknell, Inc. P.S., Seattle, Wash. Associate: Specialist in corporate reorganization; bankruptcy and creditor rights. Trial experience in commercial litigation and real property law. 1980-1984.

Law Clerk: Hon. R.W. Skidmore, U.S. Bankruptcy Court, W.D. Washington at Tacoma. 1979-1980. Research and opinion drafting; trial preparation; court administration and attorney-court liaison; local rule drafting and administration.

Legal Intern: Culp, Dwyer, Guterson & Grader. 1978-1979; Detels, Draper & Marinkovich. 1977-1978.

Resume of Zachary Mosner: 1

PROFESSIONAL MEMBERSHIP AND HONORS:

¶ *American Bankruptcy Institute Journal: Coordinating Editor-Affairs of State: 2012-2016.*

¶ *President: States' Association of Bankruptcy Attorneys: 2004-2006.*

¶ *Vice-President: States' Association of Bankruptcy Attorneys: 1998-1999; 2003-2004.*

¶ *Board: 1999-2000; 2002-2016.*

¶ *Member Washington State Bar Rules of Professional Conduct Committee 1997-2002.*

¶ *Chair: Washington State Bar Rules of Professional Conduct Committee: 2000-2001.*

¶ *Member Washington State Bar Disciplinary Board: Oct. 2004 to Oct. 2007.*

¶ *Member Washington State Bar Judicial Recommendation Comm.: Oct. 2007-2008.*

¶ *Conflicts Review Officer for WSBA (as appointed by the Supreme Court): Sept. 30, 2008 to September 30, 2017.*

• *Admitted to Washington State Bar, October, 1979. Admitted to U.S. Dist. Ct. W.D. Wash.; U.S. Dist. Ct. E.D. Wash.; 9th Cir. Ct. of Appeals (1980); 3rd Cir. Ct. of Appeals (May 2002); 11th Cir. Ct. of Appeals (July 2004); U.S. Supreme Court (2008).*

• *Special District Counsel: Lawyer Discipline: Washington State Bar Association. 1987-1996.*

• *National Federal Bar Association: Program Committee-Bankruptcy Section. 1991 to 1995.*

• *Western District of Washington Local Bankruptcy Rules Committee: 1995-2015.*

• **SABA-NAAG 1st Annual "Spirit Award"** Distinguished Litigator Award for Pursuing Multi-State Cooperation, 2003.

• **ABA Midyear Taxation Meeting: Phoenix January 24, 2014** Keynote: "Dealing With State Tax Authorities In Bankruptcy"

CASES/ARTICLES:

In re Shoreline Concrete Co., Inc., 831 F.2d 903 (9th Cir. 1987).

In re Washburn & Roberts, 17 B.R. 305 (Bankr. E.D. Wash. 1982).

Washburn v. Central Premix Concr. Co., 98 Wn. 2d 311, 654 P.2d 700 (1982).

Benson v. McGovern, 29 Wn.App.46, 627 P.2d 148 (1981).

Ben Holt Industries, Inc. v. Milne & Associates, 36 Wn. App.468, 675 P.2d 1256 (1984).

In re Hovan, 172 B.R. 356 (Bankr. W.D. Wash. 1994); 96 F.3d 1254 (9th Cir. 1996).

In re Islands Bakery Partnership, 179 B.R. 243 (W.D. Wash. 1995).

In re Logan, 195 B.R. 769 (Bankr. E.D. Wash. 1996).

In re GST Telecom, Inc., 39 BCD 75, 2002 WL 442233 (D. Del. 2002).

In re Jones, 289 B.R. 188 (Bankr. M.D. Fla. 2002).

In re Hechinger Inv. Co., 335 F.3d 243 (3rd Cir. 2003).

In re National Steel Co., 2003 WL 22089881 [03C3932] (N.D. Ill. 2003).

In re Jones, 124 Fed. Appx 643 (04-12219) (11th Cir. 2004) [unpublished decision].

In re Piccadilly Cafeterias, Inc., 484 F.3d 1299 (11th Cir. 2007).

In re Piccadilly Cafeterias, Inc., 128 S.Ct. 2326 (2008).

FDIC v. State of Washington, Dep't of Revenue, 190 Wn.App. 150; 359 P.3d 913 (Div. I: Sept. 14, 2015).

• "Deed of Trust Foreclosures: After Cox v. Helenius," Wash.St.Bar News, Vol.39, No.5, May, 1985.

Resume of Zachary Mosner: 2

- "The Seller's Right of Reclamation and Bankruptcy", Wash.St.Bar News, Vol.41, No.7, July, 1987.
- "On the Run After Hunter's Run", Wash.St.Bar News, Vol.43, No.6, June, 1989.
- "Badgered by Badgett", Wash.St.Bar News, Vol.45, No.8, August, 1991.
- "Real Estate Excise Taxes and 11 U.S.C.§1146(c)", Wash.St.Bar News, Vol.53, No.2 , February, 1999.
- "Preferential First-day Orders: Same Question, Different Look", ABI World, February, 2003; Vol. 22, No. 8, p.8.
- "Challenging the 'Lake Woebegon Syndrome': What Hath Congress Wrought With KERP's": ABI Journal: June 2006.
- "Chapter 11 and §105(d) Case Management: Taking Back Control in the Public Interest": ABI Journal, Vol. XXVI, No. 5, p. 12, June 2007 - Zack Mosner and Karen Cordry.
- "Garnishing the Chapter 13 Trustee: What's the Plain Meaning of §1326(a)(2)?" ABI Journal: Vol. XXVII No. 1, p. 12, February 2008 - Zack Mosner and Karen Cordry.
- "Of Molehills and Mountains: Deconstructing the Analysis of *Piccadilly*": ABI Journal: Vol. XXVIII, No.1, p.14, February 2009-Zack Mosner and Karen Cordry.
- "Section 525: Not A Swiss Army Knife To Bar Government Interference". ABI Journal Vol. XXVIII, No.10, p.12. December-January 2010-Zack Mosner and Karen Cordry.
- "Lawyers Gone Bad: When Are Bar Sanctions Dischargeable?" ABI Journal: Vol. XXIX, No.3, p.12, April 2010-Zack Mosner and Bruce A. Harwood.
- "'Churn' Noble: Rethinking Preference Suits" ABI Journal: Vol. XXX, No.6: p. 12, July/August 2011-Zach Mosner.
- "When Pigs Fly: Taxes and the Application of Payment" ABI Journal Vol. XXXI, No.7: p.16, August 2012-Zach Mosner.
- "A Complex Web: Ethics and the Government Attorney", Vol. XXXIV ABI Journal 2, 16-17, 67, February 2015- Zach Mosner
- "Unbundling and Ghostwriting: Who Ya Gonna Call?", Vol. XXXV ABI Journal 9, 14-15, 65-66, September 2016- Zach Mosner,
- "On A Wing and A Prayer: The Ch.11 Futility Doctrine and State Enforcement", Vol. XXXVI, ABI Journal No. 4, 16, 84-85, April 2017.

LEGAL TEACHING POSITIONS:

- *Adjunct Professor*: University of Puget Sound School of Law. Debtor-Creditor. 1983.
- *Chair and Organizer*: CLE/Wash.State Bar Association, "Bankruptcy Pitfalls in Business Transactions: Prevention and First Aid". July 1987. Westin Hotel, Seattle; Seattle-King County Bar Association. July 1989. Stouffer-Madison Hotel, Seattle.
- *Chair and Organizer*: "Bankruptcy Pitfalls for Business Lawyers", CLE/Wash.State Bar Association @ Seattle: January 1993.
- *Lecturer*: NBI "Washington Foreclosure and Repossession". May 1994 and May 1995; American Institute of Banking. Debtor-Creditor Issues; CLE."In Depth Business Bankruptcy". Dec.1984; "What You Always Wanted to Know About Bankruptcy". UPS Law School. May 1992.
- *Adjunct Faculty*: Seattle City College. Debtor-Creditor. 1981.

GENERAL EMPLOYMENT:

- *Head Resident, University of Puget Sound*, Tacoma, Wash. 1977-1979. Director of dorm staff and live-in counselor.
- *Industrial Relations Specialist*. ACF Industries. 1974-1976. Salary administration; contract negotiation; manpower planning; EEO compliance. New York City, Milton, Pa., St. Louis, Mo.
- *Disc Jockey: WVBR-FM*: Ithaca, New York: 1970-1974; *WXXY-FM*: Elmira Heights, New York: 1973-1974.

COMMUNITY SERVICE:

Resume of Zachary Mosner: 3

- *Board Member: Washington State Jewish Historical Society: 2018-*
- *President: Somerset Recreation Club, Inc., a community non-profit organization: 1993-1995.*
- *President: 1996-1997; Vice-President 1997-1998: Forest Highlands Community Assoc., a community non-profit organization.*
- *Board of Directors: Newport Shores Community Association: 2000-2004; Vice-President 2003-2004.*

Resume of Zachary Mosner: 4



Diana K. Carey
Attorney at Law
701 Fifth Avenue, Suite 3300
Seattle, Washington 98104
Direct: (206) 224 8066
Main: (206) 223 1313
Fax: (206) 682 7100
dcarey@karrtuttle.com

March 25, 2019

barleaders@WSBA.org
Washington State Bar Association
Attn: Office of the Executive Director

RE: Recommendation for Zack Mosner for WSBA President-Elect

I chair the Bankruptcy Practice Group at Karr Tuttle Campbell. I am pleased to recommend Zack Mosner for the position of WSBA President-Elect. I have known and worked with Zack on bankruptcy matters for over twenty years. Zack is a pragmatic, articulate and thoughtful problem-solver. He would bring energy, enthusiasm and a wealth of experience to the position. He has strong leadership skills and I know he is excited to apply those skills to the challenges facing the WSBA. I believe Zack Mosner is an excellent candidate for this position. If you have questions, I would be happy to discuss this application further.

Very truly yours,


Diana K. Carey

From: Gloria Nagler [mailto:gloria@naglerlaw.com]
Sent: Thursday, March 28, 2019 2:30 PM
To: Bar Leaders
Subject: Recommendation of Zachary Mosner
Importance: High

Dear People,

I am happy to recommend Zack Mosner for President of WSBA, but more than happy, I feel I'd be remiss **not** to recommend him: The Bar could not ask for a better candidate. I have known Zack for over thirty-five years, and here's what I can tell you about him (and yes, I'm a member of the Bar and, until I retired last year, I practiced bankruptcy law since 1986):

Zack is whip-smart, which I'm sure is why Washington's Attorney General chose him to put together and oversee its Bankruptcy & Collections Unit more than twenty years ago. He was also reasonable and fair when on the other side (I've been up against Zack several times), but knew his stuff. You could not outfox Zack.

As Judge Skidmore can tell you (I, too, clerked for Judge Skidmore in the 1980s), Zack is not only diligent, but reliable and insightful. I clerked a few years after Zack did and Zack's reputation was sterling at the court. What the Judge and I can also tell you is that Zack obviously cared about his work. He made recommendations to the court as to efficiencies, knew the procedures as well as the substance of the law inside-out, and was unfailingly enthusiastic about whatever he was doing — he still is!

Before taking on the organization of the AG's new bankruptcy unit, Zack worked at one of Seattle's premier boutique bankruptcy firms, Shulkin, Hutton & Bucknell. Several of the former firm's attorneys — Tom Bucknell and Sheena Aebig to name just two -- still practice and have excellent reputations, as does Zack. He also practiced at a large firm known to have very good lawyers, Gordon, Thomas, Honeywell, Malanca, et al. In other words, Zack hung around with, and was hired by, the best.

As to his administrative skills, important to the role we're discussing, Zack's work at organizing and overseeing the Bankruptcy & Collections Unit undoubtedly required him to stay on top of developments, to think strategically, and to work well with people. He would not have otherwise lasted there for over two decades.

Ah! Leave me not forget integrity — it is no exaggeration on my part to tell you that Zack is easily one of the most ethical, principled attorneys I've known. Easily. Bankruptcy lawyers mostly know everyone else in the bankruptcy bar, and we do talk. Yet in all these years I've not heard even a hint of negative talk about Zack's integrity. The man cares deeply about the legal profession. When he and I discussed retirement last year, I knew that I wanted to pursue wildlife photography. Zack, though, talked only about where he could use his legal and related skills after he retired (well, that and his grandchildren:). The guy is one of those rare attorneys who loves the law. By extension, he cares about the Bar and its members.

I took the time to write this letter because, when Zack told me he was interested in the position of Bar president, I realized how much a loss it would be if the Bar didn't have the opportunity to have Zack working on its behalf. You can't do better than Zack. Please feel free to contact me with any questions.

Warm regards,

Gloria Z. Nagler
Bar #13176

JAMES L. NAGLE
PROSECUTING ATTORNEY
240 WEST ALDER, SUITE 201
WALLA WALLA, WA 99362-2807
TELEPHONE (509) 524-5445
FAX (509) 524-5385
www.co.walla-walla.wa.us

OFFICE OF THE
PROSECUTING ATTORNEY
OF
WALLA WALLA COUNTY
WASHINGTON STATE

GABRIEL E. AGOSTA, CHIEF DEPUTY
JESSE D. NOLTE, CHIEF CIVIL DEPUTY
MICHELLE M. MULHERN, DEPUTY
KELLY A.B. STEVENSON, DEPUTY
NICHOLAS A. HOLCE, DEPUTY
JILL M. PETERSEN, DEPUTY
MICHELLE L. MORALES, DEPUTY

March 29, 2019

Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

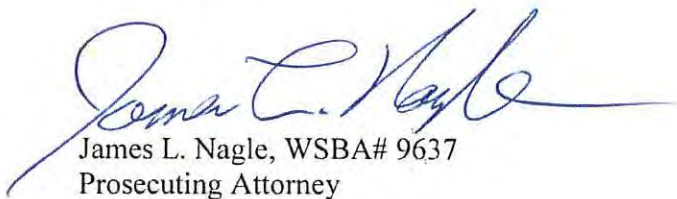
RE: Application of Zachary Mosner for President-Elect

Dear Colleagues:

I urge you to select Zachary Mosner for the position of President-Elect of the WSBA. I first met Mr. Mosner in 1976 while attending the University of Puget Sound School of Law (now Seattle University School of Law). Mr. Mosner has experience in private practice and in the government. He has devoted a huge amount of time to WSBA activities and has been one of its best assets. Throughout his career, he has demonstrated excellence in the practice of law and a strong desire to promote high standards of ethics among members of the bar. He has established good rapport with other members of the bar. He understands the upcoming challenges our bar faces. Zach has always maintained a high standard of ethics and has always been intellectually and emotionally honest. I have always found him to be friendly, eager to help, and remarkably down to earth.

I cannot think of a better candidate for the office of President-Elect. Please feel free to contact me at your convenience if additional information is needed.

Yours truly,



James L. Nagle, WSBA# 9637
Prosecuting Attorney

Danae M. Rawson
WSBA# 30877
620 NE 55th St.
Seattle, WA 98105
(206) 388-6782
danaerawson@comcast.net

April 3, 2019

Letter of Recommendation for Zachary Mosner
for President-elect State Bar

Dear Board of Governors:

I have known and worked with Mr. Mosner for over 25 years, and his depth of knowledge and love for the law has always been evident. These characteristics will serve him well in the position of the WSBA president.

Zach was a mentor to me and countless others during his many years as an Assistant Attorney General for the State of Washington. He was always available to discuss cases and issues, especially new or complex issues, which, in many cases, would be brought before the court for the first time. He gave freely of his time, often scheduling "lunch-and-learn" sessions for his fellow attorneys in the Bankruptcy and Collections Unit, as well as attorneys in different divisions.

Zach believed in "getting the client to yes." When that was not possible, he would help them explore options. And, he always conveyed to the client the need to do what was both legally *and ethically* correct. Zach takes the latter obligation seriously, as evidenced by his service on the Bar's Disciplinary Board.

Zach was also involved with several multi-state Attorneys General boards and organizations. This gave him a unique perspective on how the law is changing throughout the country as well as in Washington State. Furthermore, his leadership and participation in those groups fostered cooperation and coordination amongst his fellow Attorneys General, which allowed them to speak with one voice on issues that impacted everyone.

In summary, Zach's knowledge, passion, and dedication will well serve all of the Bar's membership.

Sincerely,

Danae M. Rawson

From: Merrilee A. MacLean [mailto:mmaclean@hansonbaker.com]
Sent: Wednesday, April 03, 2019 10:16 PM
To: Bar Leaders
Subject: Letter of Support for Application of Zachary Mosner

Dear Bar Leaders:

If you are looking for a leader that is beyond reproach and has the highest integrity, you should seriously consider Zack Mosner as the next president of the WSBA. I have known Zack as a colleague since the mid 1980's, where we both practiced frequently in the Bankruptcy Court. Sometimes on the same side, sometimes on the opposite side, Zack was always a strong advocate but also fair, honest, and civil. His word has always been his bond. His long and varied experience representing the State of Washington will serve him well in the Bar Association, having learned how to deal with multiple masters and constituencies. As set forth in his resume, he has dedicated his life to service in many forms, and this application is a continuation of that at a time when most people look to retire and travel. He will not treat the position as a stepping stone to some other position - this is a way for him to give back to an organization to which he has dedicated his professional life, at a crucial time in the organization's history.

Zack Mosner would be an excellent President, and I encourage you to select him.

Sincerely,

Merrilee A. MacLean
WSBA #12732

Merrilee A. MacLean

Senior Counsel

HANSON BAKER | 2229 - 112th Ave NE, Suite 200, Bellevue, Washington 98004

WASHINGTON STATE BAR ASSOCIATION

President-elect Application Form

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement may be published on WSBA's website.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 22, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for President-elect position of the Washington State Bar Association

I, the undersigned active member of the Washington State Bar Association, am running for the position of President-elect.

Kyle Sciuchetti 26264
Name of candidate (please print) WSBA Bar #

Signature of Nominator (if relevant) WSBA Bar #

KS
Signature of Candidate

Note: By signing this form, the candidate understands and agrees that as part of the election process for this president-elect position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 22, 2019. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

Kyle D. Sciuchetti
500 Broadway Street, Suite 400
Vancouver, Washington 98660
(360) 619-7033

April 22, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101

RE: WSBA President-Elect

Dear Board of Governors:

Please accept this as my letter of interest in serving as President-Elect of the Washington State Bar Association. As a native Washingtonian, I am honored to be considered for the position. I promise to do my best for the good of the organization and to serve the public.

I grew up in Spokane and earned my undergraduate degrees at the University of Washington. After college I moved to Olympia for a year working with the Washington State Department of Labor & Industries and the Washington State Legislature. I attended law school at Lewis & Clark Law School and earned my law degree in 1996. Upon graduation and passing the bar, I accepted a position as Session Attorney for the Washington State Legislature, Office of the Code Reviser for the 1997 legislative session. On *sine die*, I returned to my home town of Spokane to work as a City Attorney/Prosecutor for the City of Spokane.

Since 2000, I have lived in Southwest Washington. I am active in the community having served nine years on the Board of Directors of the Clark County Food Bank (including past Chair of the Board). Since 2006, I have served on the Board of Directors for the Humane Society for Southwest Washington. Recently, I was appointed to the Clark County Animal Control Advisory Board.

I currently practice with the law firm of Miller Nash Graham & Dunn LLP in its Vancouver, Washington office. A significant part of my practice is focused on representing construction contractors and professionals in all aspects of a building project, ranging from negotiating contracts and leases to handling complex litigation. I also maintain an active practice serving as outside counsel for businesses throughout Washington, Idaho and Oregon. My clients include trucking companies, machine shops, component manufactures, design professionals and businesses of all shapes and sizes.

From 2003 to 2018, I served on the Legislative Review Committee for the Washington State Bar Association (and chaired the committee for two years). Since 2017, I have represented Southwest Washington as District 3 Governor on the Washington State Board of Governors. I have served on the WSBA Board of Governors Legislative Committee most recently as its chair

in 2019. As a Governor, I have enjoyed the opportunity to serve as liaison to many great committees and sections including the Committee on Mission Performance & Review, the WSBA Committee on Professional Ethics, the WSBA liaison to the Corporate Counsel Section and the WSBA World Peace Through Law Section.

Earlier this year, I was elected to serve on the Bar Structures Work Group chaired by Chief Justice Fairhurst. This Work Group has been charged with the important work of examining “whether changes to the structure of the WSBA or the regulation of the practice of law in Washington should be made in light of recent case law with First Amendment and antitrust implications.”¹ I believe that the deliberations and ultimate recommendations coming from this Work Group will have a profound influence on what the organization will look like and how it will function in the future. Much thought needs to be given to how the organization will continue to serve the membership and the public, advance access to justice initiatives and champion justice. I am proud to have been selected by my peers to represent the Board of Governors in this challenging endeavor.

The WSBA’s Guiding Principles have been to operate a well-managed association that supports its members and advances and promotes:

- Access to justice system.
- Diversity, equality, and cultural understanding throughout the legal community.
- The public’s understanding of the rule of law and its confidence in the legal system.
- A fair and impartial judiciary.
- The ethics, civility, professionalism, and competence of the Bar.

While the WSBA continues to strive toward these ideals and sometimes has suffered in the press, I truly believe that all of the leaders, staff, volunteers and allies of the WSBA only want what’s in the best interest of the organization and the public. There are many paths to get there. I wish to be a part in deciding the future of the bar and leading it toward accomplishing these worthwhile goals.

Respectfully,



Kyle D. Sciuchetti

¹ Letter from Chief Justice Fairhurst to leaders in Washington’s legal community, April 16, 2019.

Kyle Sciuchetti's Biographical Statement

Kyle Sciuchetti currently serves as a Governor with the WSBA Board of Governors representing Southwest Washington. He is a partner with Miller Nash Graham & Dunn LLP where he maintains an active practice as outside counsel for businesses throughout Washington, Idaho and Oregon.

He is a former prosecutor with the City of Spokane. For 15 years, he served on the WSBA Legislative Committee, including the chair of the committee. He is a director for the Humane Society for Southwest Washington and past Chair of the Board of Directors for the Clark County Food Bank.

Born and raised in Spokane, Kyle received his undergraduate degrees in political science and psychology from the University of Washington and his law degree from Lewis & Clark Law School.

Kyle D. Sciuchetti

SUMMARY OF QUALIFICATIONS

I serve as outside counsel to many businesses throughout the Pacific Northwest. My practice includes civil litigation, with an emphasis in complex construction disputes and business disputes in Washington, Oregon and Idaho. I have significant trial experience representing owners, developers, trade associations, and businesses in state and federal court and before government agencies on the federal, state and local level.

WORK EXPERIENCE

MILLER NASH GRAHAM & DUNN LLP – Partner; Vancouver/Portland; 2019 to Present

- Advises businesses and manages the legal needs of a wide range of companies
- Significant experience representing construction professionals in business and litigation

BULLIVANT HOUSER BAILEY, PC - Attorney; Portland/Vancouver; 2007 to 2019

- Civil practice focusing on business in Washington, Oregon and Idaho
- Serves as outside counsel to businesses throughout Pacific Northwest
- Represents businesses in trial, arbitration, mediation and appeals

LANDYE BENNETT BLUMSTEIN, LLP - Attorney; Portland; 2003 to 2007

- Civil practice focused on business litigation, construction defect and products liability
- Counseled business clients in employment law, including employment and severance agreements
- Experienced in all levels of trial practice including motions practice, jury trials and appeals

HALL & HOLLAND - Attorney; Vancouver; 2001 to 2003

- Provided advice to business clients on real estate, contracts, lease agreements, corporate governance, purchase and sale agreements, employment litigation and other issues
- Negotiated use of U.S. Dept. of Energy power-line easement for operation of quarry conveyor

PUBLIC POWER COUNCIL, Inc. - Senior House Counsel; Portland; 1999 to 2001

- Represented Public Power Council in the United States Court of Appeals for the Ninth Circuit, U.S. district Court Western District of Washington and the U.S. District Court of Oregon
- Negotiated complex power sales agreements on behalf of member utilities
- Advised Executive Committee on wide range of issues including corporate structure, multi-million dollar purchase and sale agreements, litigation strategy and regulatory compliance

CITY of SPOKANE - Assistant City Attorney; Spokane; 1997 to 1999

- Prosecuted jury and bench trials in district court for the City of Spokane
- Managed full docket of cases requiring daily appearances in court

WASHINGTON STATE LEGISLATURE - Code Reviser's Office; Olympia; 1997

- Drafted over 500 bills, amendments and resolutions during the 1997 legislative session
- Counseled elected officials and business representatives on legislation concerning business, sales, construction law, real property issues and other matters

Kyle D. Sciuchetti

BAR ADMISSIONS

Washington State Bar Association – 1996
Oregon State Bar Association – 1996
Idaho State Bar Association – 2015
United States District Court, Western District of Washington – 1999
United States District Court, Eastern District of Washington – 2006
United States District Court, District of Oregon – 2000
United States District Court, District of Idaho – 2015
United States Court of Appeals for the Ninth Circuit – 2000
United States Supreme Court – 2000

PROFESSIONAL ACTIVITIES

Washington State Bar Association, Board of Governors, Governor, District 3 – 2017 to 2020
Board Member and Past President, Clark County Food Bank – 2007 to 2016
Board Member, Humane Society of Southwest Washington – 2006 to Present
Board Member, Clark County Animal Control Advisory Board – 2019 to Present
Washington State Bar Association Legislative Review Committee – 2003 to Present (Chair 2016 to 2018)
Washington State Bar Association Legislative Committee; Board of Governors – 2017 to Present (Chair)
Board Member, Committee on Mission Performance & Review, WSBA – 2017 to Present
Washington State Bar Association Liaison to Committee on Professional Ethics – 2017 to Present
Washington State Bar Association Liaison to Corporate Counsel Section – 2017 to Present
Washington State Bar Association Liaison to World Peace Through Law Section – 2017 to 2018
Metropolitan Business Association; Board of Directors – 2017 to Present
Washington State Bar Association; Practice of Law Committee – 1998 to 2001, 2002 to 2003
Oregon State Bar Association, Corporate Counsel Section – 2000 to 2001
Certificate of Appreciation, Bonneville Power Administration – 1996
American Bar Association, 1994 to Present
A.B.A. President/Representative, Lewis & Clark, Northwestern School of Law – 1995 to 1996
A.B.A. 12th Circuit Lieutenant Governor, Public Interest Division – 1994 to 1995
A.B.A. Membership Chair – 1994 to 1995

EDUCATION

J.D. – Lewis & Clark College, Northwestern School of Law; Portland, Oregon – 1996
Dean's Fellowship/Scholarship awarded for academic achievement
B.A. – Political Science, University of Washington; Seattle, Washington – 1992
Academic Honors, University of Washington
B.A. – Psychology, University of Washington; Seattle, Washington – 1992
Psi Chi, National Psychology Honors Society

REPORTED CASES

Kaiser Aluminum & Chemical v. Bonneville Power Admin., 261 F.3d 843 (9th Cir. 2001).

Waxman v. Waxman & Assoc., 224 Or.App. 499, 198 P.3d 445 (2008).

Abraham v. T. Henry Const., Inc., 230 Or. App. 564, 217 P.3d 212 (2009)

James Youde
Past Chair, Clark County Food Bank

April 30, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Re: Letter of Support for Kyle D. Sciuchetti as President-Elect of the
Washington State Bar Association

Dear Board of Governors:

This letter is in support of the candidacy of Kyle D. Sciuchetti for President-Elect of the Washington State Bar Association.

Recently I served with Kyle on the Board of Directors of the Clark County Food Bank. During that period we were raising \$4.4 million and building a new warehouse and offices as home for this countywide food distribution center.

Our funding sources included \$1.5 million from the State of Washington, as well as federal and private funds. It was important that our contracts with general contractors, subcontractors and suppliers meet certain requirements in order for us to qualify for public grants. Kyle went to Olympia and met with state officials to ensure that our contracts met all state requirements, and then he negotiated appropriate agreements with our various partners.

Later Kyle served as volunteer Chair of our Clark County Food Bank Board of Directors. In all of these activities he was generous with his pro bono time, and he was a very effective leader. He exhibited effective social skills

in several leadership positions. It was a pleasure to work with him. I recommend Kyle without reservation.

Sincerely,

James Youde
Founding Board Member, Volunteer and Philanthropist,
Clark County Food Bank

David W. Meyer

Attorney at Law

900 Washington Street, Suite 800
Vancouver, WA 98660
(360) 952-8033
david.meyer@dwmeyer.com

May 1, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Re: Kyle Sciuchetti, candidate for WSBA President-Elect

Dear Board of Governors:

I write you in support of Kyle Sciuchetti's candidacy for President-Elect of the Washington State Bar Association. Kyle typifies all that is good, in every sense of the word, about the very best of lawyers, and would be a superb example for the Bar's members and to the public of what we all wish the perception of lawyers to be. His effective leadership style would be an asset to the WSBA as forces for change to the status quo of self-regulation, voluntary and private malpractice insurance, the way legal services reach the low-income populace, gender and ethnic and geographic inclusiveness and sensitivity, and many other issues of worthy consideration vie for the time and attention of your executive officers.

Most if not all of you probably know Kyle from his service to the WSBA. I know him as a colleague for the past 15 years who has committed himself to public service with apparent joy and not merely a sense of responsibility. I know him to have remained effective, successful, and well liked in his role as lawyer, father/husband, and friend, too, while tirelessly serving on bar committees, the local food bank, and other organizations.

Kyle Sciuchetti is humble and understated, but anyone who spends time with him soon realizes what a gifted orator, problem solver, and when necessary, dragon-slayer he can be. He is the first to joke about having a name no one can spell, the last person to brag about himself, and consequently, is the most effective of collaborative-style leaders, listening to everyone, offending no one, but maintaining focus toward implementing effective action upon the problem at hand.

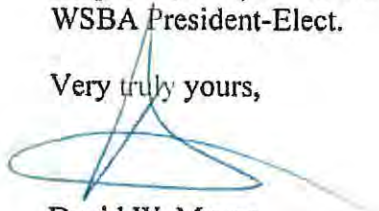
I have been an active member of the WSBA for over thirty years, working as a sole practitioner, small firm owner/partner, and large firm lawyer. While at a large firm, I had the pleasure to know and work first hand with Kyle in some significant and tough cases, and to commiserate over typical law firm politics. I can attest that he truly cares about other people

Page 2

and the effect of a case, a public policy, or an economic, political, or bias disadvantage upon them. One thing that really sets Kyle apart from others, though, is a pleasant demeanor carefully tempered with the integrity to express his counterpoints to others' opinions tactfully but directly, politely but without loss of voice, and always respectfully.

Kyle Sciuchetti has been a very effective advocate as a lawyer, and a tremendous asset to boards and committees on which he has served to date. The members of the bar association, the public, and your board would be well served and well represented with Kyle as the next WSBA President-Elect.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David W. Meyer". The signature is stylized with a large, sweeping loop at the end.

David W. Meyer



Clark County Bar
Association
500 W. 8th Street, Suite 65
Vancouver, WA 98660
Phone: 360.695.5975

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

www.ccbawashington.org

President:
Jill Sasser

Vice President:
Paige Spratt

Secretary:
Le Ann Larson

Treasurer:
Stefanie Ellis

Trustees:
Christie Emrich
Jack Green
Dan Gasperino

Immediate Past President:
Mark Sampath

Dear Board Members:

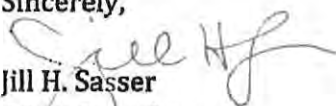
My name is Jill Sasser, and I am the current President of the Clark County Bar Association. Please accept this letter in support of Kyle Sciuchetti's application to serve as the WSBA President.

I believe that Kyle will be an outstanding President. I understand that the WSBA is going through a tumultuous period. I believe that Kyle has the capacity to lead and make tough decisions. I have been very impressed with Kyle's ability to communicate about complex issues in a fair and balanced way. I believe that Kyle will be able to connect well with WSBA members, stakeholders, Board members and staff.

I have always found Kyle to be fair, reasonable, compassionate and kind. He is a calming and stabilizing presence. Kyle is able to see both sides of issues and is able to be impartial. Further, I believe that Kyle has the integrity and personality to help diffuse stressful situations. Kyle's demeanor, temperament, capacity for hard work, character and communication style will help the WSBA move forward in a positive direction.

In closing, it's my understanding that Kyle would be the first WSBA President from Southwest Washington. I would love to see a representative from Southwest Washington in this position to give the WSBA members in this community a greater voice. I wish you the best with this decision and would be happy to discuss his application further with you.

Sincerely,


Jill H. Sasser
CCBA President

JAMES G. FICK
EMAIL: JGF@SOSLAW.COM
DIRECT DIAL: 206-268-2508

66 S. HANFORD ST.
SUITE 300
SEATTLE, WA 98134

P: 206-448-8100
F: 206-448-8514
WWW.SOSLAW.COM



MICHAEL W. BABCOCK
ALLEN R. BENSON
DARBY N. DUCOMB
JAMES G. FICK
JESSE O. FRANKLIN IV
BRIAN K. KEELEY
BENJAMIN W. LANCE
COLLEEN A. LOVEJOY
CHARLES A. LYMAN
ROBERT L. OLSON
DAVID W. SCHIFFRIN
GARTH A. SCHLEMLEIN
MICHAEL P. SCRUGGS
WILLIAM A. YOUNG

May 3, 2019

Via Email

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Re: WSBA President-Elect Kyle Sculichetti

Dear Board of Governors:

I write in support of Kyle D. Sculichetti for the position of WSBA President-Elect.

Kyle and I were partners at the law firm Bullivant Houser Baily. We first met in 2007 when he joined Bullivant. He worked primarily in the Bullivant Portland and Vancouver offices. I was based in the Seattle Bullivant office. At Bullivant, we were both part of the Development Services group. Our work focused mostly on complex construction, real estate, and business matters.

Despite being located in different offices within Bullivant, we often worked on matters together, consulted on legal issues, and worked extensively on business development. We worked together until September 2011 when I left Bullivant to start my own law firm. Even after my leaving Bullivant, Kyle and I continued to work together on matters. Because of Kyle's skill and integrity as a lawyer, I have referred client matters to him in Oregon.

From the first time I started working with Kyle, I have always respected him as a lawyer and have valued his wise counsel. I have found Kyle to be a skilled litigator, thoughtful business advisor, and good person. He always keeps the client's best interests as his foremost goal.

I believe Kyle would be an excellent choice, and ideal to help lead the WSBA as President-Elect. Please contact me if you have any questions or would like additional information.

Very truly yours,

SCHLEMLEIN FICK & SCRUGGS, PLLC

James G. Fick



Humane Society
FOR SOUTHWEST WASHINGTON

May 3, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Recommendation for Kyle Sciuchetti

I have worked with Kyle for nearly seven years on the Board of the Humane Society for Southwest Washington. We have a staff team of 90, 950+ volunteers and 5,000+ donors. We manage both a shelter which takes in 8,000 animals annually, as well as ReTails, a 26,000 square foot thrift store which generates more than \$1 million in gross revenue annually.

Kyle leads the Retails Marketing Committee which encompasses our thrift store and online pet store and online clothing store. His knowledge and experience, as well as his leadership have helped us growth store revenues from \$300,000 annually to more than \$1 million since 2013. Kyle helped us to expand merchandise and services, and move to new larger facilities, and in the current expansion adding a second store.

Kyle has shared his legal expertise with governance and legal issues ranging staffing and human resources, contract review and in helping us design and negotiate an agreement for an onsite inmate worker program that provides Larch Corrections Center inmates an opportunity to work in our shelter cleaning kennels and feeding dogs and cats, as well as learning to provide enrichment opportunities for dogs every day. This is a program that allows inmates who have successfully completed our training to apply for jobs when they are released. Kyle helped to craft an agreement that worked for both organizations and worked with our board to understand the risks and rewards.

In the past two years, HSSW has been developing a new mission, vision and business model focused on helping owners and their animals work through health and behavioral issues so they can stay together. Kyle has been involved in this process and helped guide our decision making. One of the resulting steps was to seek support from the Washington Legislature to allow humane societies to provide care to owned animals which was recently passed and signed into law by the Governor. The results of all these efforts will mean healthier pets and better trained and educated owners, less animals surrendered and happier families. Kyle provided leadership, creative ideas and significant support to staff efforts for this initiative.

1100 NE 192nd Avenue
Vancouver, WA 98684
360.693.4746
southwesthumane.org

Kim Capeloto
Chair

Jason Hudson
Vice Chair/Treasurer

LeAnne Bremer
Secretary

Donna Mason
Immediate Past Chair

Matt Ableidinger

Sheryl Bateman

Jann Davis

Tom Leaptrott

Chuck Michael

Patti Moller

Patricia Nierenberg

Michelle Nisle

Kyle Sciuchetti

D. Jean Shaw

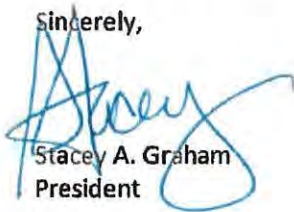
Kelly Walsh

Jeff Woodside

Dorn Swigert, *Emeritus*

I know that Kyle works with other nonprofits in the community and is a highly respected volunteer leader. He demonstrates integrity, compassion and diligence in all that he does in our community. Plus, he is a darn good lawyer!

Sincerely,

A handwritten signature in blue ink, appearing to read "Stacey", with a large, stylized flourish extending from the end of the name.

Stacey A. Graham
President

D. JEAN SHAW
Attorney at Law

17910 NE 23rd Street
Vancouver, WA 98684

djeanshaw@comcast.net
360.513.0652

May 3, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Re: Mr. Kyle Sciuchetti
Candidate for WSBA President-Elect

Ladies and Gentlemen:

The purpose of my letter is to provide my endorsement of Kyle Sciuchetti and recommendation to you that he be elected as President-Elect of the Washington State Bar Association. I have known Kyle for over seven years while we have both served as members of the Board of Directors of the Humane Society for Southwest Washington (HSSW). I also know of him as a respected member of the Washington State and Clark County Bar Associations.

I have been a member of the WSBA since my admittance in 1975 and, since then, have practiced almost all of those forty-three years in Vancouver, Washington and Portland, Oregon. Most recently, I have been employed as an attorney with the Horenstein Law Group in Vancouver, Washington. I still work with the firm but otherwise am semi-retired.

During my acquaintance with Kyle, he has provided pro bono legal assistance to HSSW in connection with a number of matters all to the substantial benefit of the organization. Kyle also oversees and guides the HSSW Board's work for HSSW's ReTails Thrift Store operations in Vancouver which brings over a million dollars of revenue to HSSW each year. His leadership skills have been evident given the diversity of the people he has worked with in these capacities as he has and continues to create positive results for the organization.

Additionally, Kyle has worked as the director/legal counsel for the Board of the Metropolitan Business Association and is the past chair of the Board of Directors for the Clark County Food Bank. His efforts on behalf of these organizations, along with his work on behalf of HSSW, reflects his excellent reputation in our community as well as his strong leadership qualities.

Board of Governors
May 3, 2019
Page 2

Kyle spent many years serving on the WSBA's Legislative Committee and, since September 2017, has also embraced his work as the WSBA's Governor for District 3, all of which clearly evidences his support for a strong Bar Association. In addition to his work at the firms of Bullivant House Bailey, and now Miller Nash Graham & Dunn, Kyle has a diverse professional background having also been a former prosecutor for the City of Spokane and session attorney with the Washington State Legislature Code Reviser's Office. All in all, Kyle's professional experience, as well as his reputation in the community, leadership skills and experience, and ability to work with diverse individuals and groups provides strong and clear evidence of his qualifications for the position of President-Elect with the WSBA.

I am glad to discuss my knowledge of Kyle's work and reputation with any of the WSBA Board members if desired. You can reach me at the telephone or email address above if I can be of any further assistance. I can say that Kyle Sciuchetti will be an excellent choice for the position of President-Elect for the Washington Bar Association.

Sincerely,



D. Jean Shaw



LANDERHOLM

Legal advisors. Trusted advocates.

Timothy J. Calderbank

805 Broadway Street
Suite 1000
PO Box 1086
Vancouver, WA 98666

T: (360) 816-2542

T: (503) 283-3393

F: (360) 816-2543

E: tim.calderbank@landerholm.com

May 3, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Re: Letter of Recommendation for President-Elect of the Washington State Bar Association

To Whom it May Concern:

I am a partner at Landerholm, P.S. and have known Kyle Sciuchetti personally and professionally for the last 25 years. When Kyle told me he was running for the President-Elect position on the Board of Governors, I was not surprised given his passion for the law. I believe Kyle will bring integrity and wisdom to that position and I could not be more pleased to endorse him.

I first met Kyle in law school when we both accepted internship positions with the Bonneville Power Administrator's Office (BPA) of General Counsel. When law school and the internships ended, Kyle and I took different paths, but remained close friends. In 2005, however, Kyle and I again found ourselves working together as partners at Bullivant Houser Bailey, P.S. in Portland, OR. During our tenure together at BHB, Kyle represented the firm nationally at the ABA, and regionally as a member of the WSBA Legislative Committee. At the same time Kyle was assuming leadership positions at the firm and building a very impressive book of business.

It was also during this time that Kyle involved me with the Clark County Food Bank (CCFB). Kyle was already serving on the Board of Directors for CCFB and asked me and others in the community to help raise \$4.5 million for the CCFB Capital Campaign to build new facilities to help feed the poor and food-insecure in Clark County. The Campaign was hugely successful and the CCFB is able to help thousands each week. As a subsequent President of the Board of CCFB, Kyle has been instrumental in making sure that the CCFB will be healthy and vital for years to come.

Kyle is likewise always available to jump in and help others as needed. Besides his current board position with the Humane Society of SW Washington, Kyle has offered valuable time and resources to other organizations with which I am involved, including Oregon Lawyers Against Hunger, Fish of Vancouver, and Community Visions, Inc.

Knowing Kyle as I do, I know he thought long and hard before putting his name into the hat for the WSBA President-Elect position. And I know he would only do this if he believed he could

Board of Governors
Re: Letter of Recommendation
May 3, 2019
Page 2

make a difference. I believe Kyle will be a prudent and insightful leader and steward of the WSBA and I whole-heartedly endorse him for the position of Board of Governors' President.

If you wish to speak further about my reasons for endorsing Kyle, please do not hesitate to call.

Sincerely,

LANDERHOLM, P.S.

A handwritten signature in blue ink, appearing to read "Tim J. Calderbank". The signature is fluid and cursive, with a long horizontal stroke at the end.

TIMOTHY J. CALDERBANK
TJC/had
CALT01-000001 - 4240460_1

Law Offices of
Steven C. Andersen PS

201 NE Park Plaza Dr., Suite 200 • Vancouver, WA 98684
Phone (360) 254-8200
steve.andersen@scalitigation.com

May 3, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

RE: Kyle Sciuchetti

To Whom it May Concern:

I write this letter in support of the application Kyle Sciuchetti submitted for the position of President-Elect of the Washington State Bar Association. I have known Kyle for 16 years, having practiced in the same community as him since 2003. Kyle is not only a colleague, but also a friend. Kyle is an excellent choice for the position of President-Elect of the Bar Association.

Prior to moving to Vancouver, Washington, Kyle worked as a prosecutor in Spokane. Kyle also worked as a Session Attorney with the Washington State Code Reviser's Office out of law school. Kyle most recently moved his practice to Miller Nash Graham & Dunn LLP. Kyle is a partner in the firm's construction and general business practice. Given his years of experience and track record, it is no surprise that he is a shareholder at Miller Nash.

Kyle has been very involved in the community in Southwest Washington having served on the Board of Directors of the Clark County Food Bank for 9 years (2 of those years as Chair). Kyle also has served on the Board of Directors for the Humane Society for Southwest Washington since 2006 and currently serves on the Animal Control Advisory Board for Clark County.

In addition to his volunteer and leadership for Southwest Washington, Kyle has also very active in the Bar, demonstrating great leadership qualities as a Governor with the WSBA and in the community, generally. It was a pleasure to have Kyle acting on behalf of the lawyers from Southwest Washington who, I frequently believe, are forgotten by the Bar.

May 3, 2019

Page 2

I know that Kyle cares deeply about the issues currently facing the WSBA and has worked hard to keep the membership of the WSBA in Southwest Washington informed and engaged. In short, I believe Kyle's integrity and temperament are well suited for the position of President-Elect of the WSBA and he has my full support in that endeavor.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'S. Andersen', with a stylized flourish at the end.

Steven C. Andersen

SCA:rmf



PARSONS/BURNETT
BJORDAHL/HUME
ATTORNEYS

Taadd A. Hume
thume@pblaw.biz

May 4, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

RE: *Kyle Sciuchetti*
Letter of Recommendation: Position of President-elect

Dear Board of Governors,

I am writing this letter of recommendation in support of Kyle Sciuchetti's candidacy for the position of President-elect of the Washington State Bar Association. Without reservation, I wholeheartedly recommend Kyle for this position. Kyle's intellect, temperament, curiosity, sense of humor and absolutely unimpeachable work ethic will not only rise to the occasion to meet the current responsibilities of the position, but will leave the WSBA in a better position than it was before his tenure.

Kyle and I have worked closely on the WSBA Legislative Review Committee for ten years, not only as committee members but also within its leadership. We jointly shared the Chair responsibility (2016), Kyle served as Chair (2017), and I am now the current Committee Chair. Kyle's efforts on behalf of that Committee have been invaluable to the Committee and the Bar Association, and have resulted in fundamental changes to the way in which the Committee is structured, conducts its business, and relates to outside legislative stakeholders and the Board of Governors.

Always willing to jump in and roll up his sleeves, Kyle is a hands-on leader who works tirelessly to not only address and facilitate the immediate needs of the Committee, but also to understand and tackle the more philosophical and structural issues that surround the WSBA, and, specifically, the Legislative Review Committee. The effort Kyle has put in over the years around this "additional" committee work can only be understood as stemming from his deep desire to serve and improve the WSBA itself.

Finally, and critically important to his work on the Board of Governors, Kyle is a team player. The Legislative Review Committee is comprised of diverse membership from all over the State of Washington. The work of the Committee is sharpened and improved by divergent viewpoints and agendas, and Kyle has always shown a tremendous ability to understand and collaborate with this wide range of stakeholders to produce the best possible outcomes. I'm sure you have all observed and benefitted from this quality as his colleagues as well.

STEAM PLANT SQUARE, SUITE 225, 159 S. LINCOLN, SPOKANE, WA • T (509) 252-5066 • WWW.PBLAW.BIZ

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Without a doubt, I confidently recommend Kyle for the position of President-elect of the Washington State Bar Association, and look forward to his tenure as President. Should you have any questions about Kyle's qualifications please do not hesitate to contact me at the number on this letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read "Taud A. Hume". The signature is fluid and cursive, with a long horizontal stroke at the end.

Taud A. Hume
PARSONS | BURNETT | BJORDAHL | HUME, LLP



May 5, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Re: Kyle Sciuchetti Application

Dear WSBA Board of Governors:

I am writing this letter on behalf of Kyle Sciuchetti's Application to run for the position of Washington State Bar Association President. Kyle is our current District Board of Governor Representative and I have had the opportunity to meet with him several times on issues of concern for our members. I have found Kyle to be very pro active on issues, in particular with the current House Bill 1788 on the State Bar Act, Kyle was extremely helpful in relating important information to our Bar Members and even came to Cowlitz County Superior Court for a brown bag conversation on the issues and what the Board of Governors was proposing to the Washington State Supreme Court.

I believe that it is important to have strong leadership at the Washington State Bar Association as we move forward with a new structure. Kyle is the kind of leader that our Bar Members are looking to take charge as the WSBA into the new structure. I am confident that he has the ability to rebuild confidence and transparency to all members.

I wholeheartedly recommend Kyle Sciuchetti for the position of President of the Washington State Bar Association. If you need further information from me, please do not hesitate to contact me at 360.931.0863.

Sincerely,

A handwritten signature in blue ink that reads "Dianne Balch Loepker". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Dianne Balch Loepker
CWBA President.



1499 SE Tech Center Place, Ste. 380
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Fax (360) 567-3901
www.jordanramis.com

John R. Bachofner
Admitted in Oregon and Washington
john.bachofner@jordanramis.com
WA Direct Dial: (360) 567-3906
OR Direct Dial: (503) 598-5509

May 6, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Re: Letter of Recommendation for Kyle Sciuchetti

Dear Board of Governors:

It recently came to my attention that Washington State Bar Board of Governor Kyle Sciuchetti has asked to be considered for WSB President. I have known Kyle for many years and worked with him while I was a partner at Bullivant Houser Bailey, PC. I am writing this letter to recommend that the WSB Board of Governors support Kyle for WSB President.

During all the time I have known Kyle, I have found him to be an intelligent and personable attorney, who is committed to public service. He is professional in his demeanor, upholds the highest ethical standards, and is a true gentleman. As a member of the Oregon State Bar Board of Governors, I have had occasion to work with Kyle on various issues facing both our Bar Associations. He has never been afraid to share his opinion, but is open to considering the opinion of others as well. He is generous with his time, and would make an excellent ambassador for Washington attorneys throughout the state.

It is without hesitation that I recommend Kyle for WSB President. Please do not hesitate to contact me should you have any questions, or wish to discuss this recommendation in greater detail.

Sincerely,

JORDAN RAMIS PC

A handwritten signature in blue ink, appearing to read "John R. Bachofner".

John R. Bachofner

40059-12345.JXB 3430628.1



Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
Tel. (503) 598-7070
Fax (503) 598-7373
www.jordanramis.com

Russell D. Garrett
Admitted in Oregon and Washington
russ.garrett@jordanramis.com
Direct Dial: (503) 598.5519

May 6, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

RE: Kyle Sciuchetti as candidate for WSBA President-Elect

Dear Board of Governors:

I am writing in support of Kyle Sciuchetti's selection as WSBA President-Elect. I have known Kyle for approximately 20 years. He is an honorable, principled, ethical, and hardworking lawyer. For as long as I have known Kyle, he has exemplified diversity and inclusion, the importance of self-regulation, and a sense of responsibility to the public, both legal and non-legal. I was honored to be able to refer to Kyle as my business partner when we both worked at Bullivant Houser Bailey PC and I have worked with Kyle since then as associated counsel on many matters. I have observed him with difficult lawyers, clients, and the public. He is polite, professional, and a very good listener. Beyond that, Kyle is decisive and leader oriented. I have served on and off, for many years, on various bar committees, mostly the Debtor-Creditor Section in Washington. I am familiar with the issues facing our bar today. We need someone like Kyle to be part of the leadership team.

The role of President-Elect is not one that Kyle would seek for title or status, but it is one that he would take on and do well in. His strong sense of service to the bar and to the public is what informs his interest. I support his involvement and his approach to WSBA governance. I recommend, without condition or exception, Kyle as the WSBA President-Elect.

Sincerely,

JORDAN RAMIS PC

A handwritten signature in blue ink, appearing to read "Russell D. Garrett", is written over the typed name.

Russell D. Garrett



MANCUSO LAW OFFICE PLLC

LAURA L. MANCUSO
Admitted in WA & OR
Email: laura@mancusolaw.org

10000 NE 7th Avenue, Suite 400
Vancouver, Washington 98685
(360) 448-2856

May 6, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

RE: Letter of Recommendation for Kyle Sciuchetti

Dear Board Chair and Members:

I am writing this letter in support of electing Kyle Sciuchetti as President of the Bar Association. I first met Mr. Sciuchetti as a new attorney and working for the City of Spokane Public Defender's Office. He worked as an Assistant City Attorney in prosecuting misdemeanor cases. I saw him on a regular basis in the court and in negotiations for our common cases together from around 1998 to 2001. Later, we both discovered that we were working in the Portland/Vancouver area.

Although I know Mr. Sciuchetti only professionally, I have found him to very personal, respectful, and courteous on the few occasions we have seen each other in social settings. As a member of the Clark County Bar Association since 2002, I don't have any reservations about his legal standing and reputation in the legal community. In my legal experiences with him, Mr. Sciuchetti was already prepared, appeared to have a brilliant mind, and yet humble in his demeanor towards others. He was always respectful when talking about or to defendants, which seemed slightly uncharacteristic for most prosecutors, but he was no less tough as a prosecutor.

In what I know of Mr. Sciuchetti, throughout the almost two decades of knowing him, his strong moral character has remained unchanged since my first days working opposite of him in cases. I know he has a family and I think, as President, that will help him to relate to others within the Bar Association as well as performing duties as the representative of the Bar to public individuals. I know through his past involvement in the bar leadership, reaching out to me and others to solicit our thoughts, and his general caring attitude for all humans that he would be an excellent choice as our President.

Very truly yours,

LAURA L. MANCUSO
Attorney at Law



May 6, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

Re: Endorsement of Kyle Sciuchetti for President-Elect

Dear Board of Governors,

I am writing to express my endorsement of Kyle Sciuchetti's candidacy for the President-Elect position with the Washington State Bar Association.

I have known Kyle for over a decade, and had the pleasure of working with him on two separate occasions (both at Bullivant Houser Bailey, PC). Most recently, Kyle and I were shareholders in Bullivant's "Business" practice group. In this role, I had an opportunity to work closely with Kyle, and was impressed by his high ethical standards and commitment to obtaining good results for his clients. I was so impressed with Kyle that when I left the firm for my current in-house position, I referred many of my clients to him.

Kyle is a gifted leader and is skilled at making sure all points of view are considered when groups are making decisions. A couple years ago, Bullivant's shareholders were considering changes to the firm's Bylaws. During meetings to discuss the changes, Kyle made sure the minority's point of view was expressed and considered by the group. Though his efforts didn't change the outcome, people in the minority appreciated him and at least knew their position had been heard and considered.

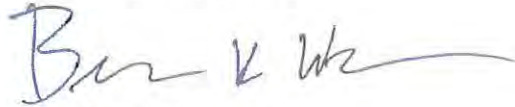
Kyle also understands that attorneys have a responsibility to serve their community. In addition to representing Southwest Washington on the Board of Governors, Kyle regularly volunteers his time with a number of local non-profit organizations. These include the Humane Society for Southwest Washington, and the Clark County Food Bank. I know people at both of these organizations, and Kyle's involvement and leadership is very much appreciated.

I don't know a more qualified candidate for President-Elect, and wholly support Kyle. The Washington State Bar Association deserves to have a highly ethical and caring person like Kyle as President. I hope you will consider and elect him as President-Elect. I am happy to

Standard Insurance Company
900 SW Fifth Avenue
Portland OR 97204
tel 971.321.7000

provide more background or have personal conversations with any member of the Board of Governors that would like more background about Kyle.

Very truly yours,

A handwritten signature in blue ink that reads "Brian K. Weeks". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Brian K. Weeks

Brian.Weeks@Standard.com

971-321-3708

DP
DAIN PAULSON
ATTORNEY AT LAW

570 N.E. Tomahawk Drive
Portland, OR 97217
dain.paulson@gmail.com
(503) 593-9562
FAX (503) 283-3501

5/6/19

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101


Dear Bar Association Governors:

My name is Dain Paulson and I am pleased to whole heartedly endorse Kyle Schiuchetti's candidacy for President of the Washington State Bar Association. I have known Kyle for nearly 20 years, having practiced with him at two firms during the 2000's. I have also referred legal matters to him in the years since. Kyle is an excellent lawyer both in terms of legal ability and professional conduct. He understands the key issues facing attorneys and has the intelligence to effectively guide the bar association.

One issue often facing state bars is effective representation of all kinds of practitioners. Kyle will be a perfect choice for bar president because he has worked in all types of legal environments. Kyle began his career doing government work. He's also worked for a solo practitioner as well as medium sized and large law firms. Kyle's experience with varied practices will help him serve the bar's various constituencies.

Kyle is a uniquely intelligent and ethical person. His varied experiences, including as a member of the WSBA board, will make him an excellent president. I couldn't recommend him more highly.

Sincerely yours,


Dain Paulson

Personal Communication By
Anthony F. Dombrowik

2313 E. Brookfield Lane
Spokane, WA 99223
(509)990-6587
tdombrowik@comcast.net

May 6, 2019

Board of Governors of the Washington State Bar Association:

This letter is intended to strongly recommend to you Mr. Kyle Sciuchetti for the position of President-Elect of the Washington State Bar Association. I understand he is running for that position and I believe he is both highly qualified and brings a remarkable sense of dedication to every role he commits his time to. Kyle is a very skilled and capable attorney, has a deep sense of practicality, and most importantly is a person of great character and kindness. I firmly believe you could not choose a better person for the role.


My Name is Anthony Dombrowik. I currently serve as Chief Financial Officer of Unitech Aerospace, an international manufacturer of hi-tech composite parts for the airline and defense industry. Prior to that I served as the CEO of Ambassadors Group, Inc., Chief Financial Officer of Red Lion Hotels Corporation (both publicly traded companies), and early in my career I served as a CPA and senior manager at the international accounting firm BDO Seidman. In all four of those roles over three decades, I have relied on Kyle as an attorney, advocate, and trusted advisor. I knew him personally before that time and I am blessed to call him a friend as well.

What makes Kyle a great attorney boils down to three things. First, as I mentioned before he has a very practical approach to the law and to advocating for his clients. He is tremendous at outlining the situation, balancing the pros and cons, and making a recommendation that gets to the heart of the situation, but also minimizes the opportunity for failure. Secondly, he is wicked smart and, like few others I have seen, he has an innate capacity to return to first principles. He uses these skills to focus his clients on what matters and leave behind common distractions. This has proved extremely helpful over the years. Third, and most importantly, he is a passionate advocate, committed to fairness and justice. I firmly believe he will bring this approach to the Washington State Bar Association.

I've known Kyle for about 35 years now. I've watched him grow in his legal professional skills and develop into a relevant and respected business partner. Moreover, he has sustained a high level of commitment, character, and fairness that all too often in today's world is hard to come by.

I highly recommend him to your organization. If you have any questions or I can be of further service, do not hesitate to contact me.

Best regards,



ANTHONY F. DOMBROWIK
Chief Financial Officer

adombrowik@unitech-aerospace.com

Mobile: (509) 990.6587

Main: (208) 772.0533

WASHINGTON STATE BAR ASSOCIATION

President-elect Application Form

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement may be published on WSBA's website.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 22, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for President-elect position of the Washington State Bar Association

I, the undersigned active member of the Washington State Bar Association, am running for the position of President-elect.

Alec Stephens	11439
Name of candidate (please print)	WSBA Bar #

Signature of Nominator (if relevant)	WSBA Bar #
--------------------------------------	------------

Alec Stephens /s/

Signature of Candidate

Note: By signing this form, the candidate understands and agrees that as part of the election process for this president-elect position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 22, 2019. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

Alec Stephens
Attorney-at-Law

May 6, 2019

To: Board of Governors

From: Alec Stephens

Subject: My Candidacy for President-Elect

Colleagues,

You are the voters for the next WSBA President-Elect, and I want to take this time to let you why I chose to run this year. I would be less than candid if I did not admit that an impetus for my initial consideration for running was as a counter to the possibility of an unchallenged candidacy by Governor/Treasurer Bridges. But that could not and should not be the only reason and standing alone would not be a good reason. As much as that admission may be detrimental to my hopes to be elected, I also know that being less than truthful would also work against what I hope to offer. I cannot hope to win your trust if I start with a lie.

I want to focus my efforts on improving how we work with one another for benefit of our inclusive membership, our staff, and the public that we serve.

For those of you with whom I have served last year and this year, you know that I have been troubled by how we relate to each other, talk to each other, disrespect each other and attack each other. I am committed to doing everything to help us get along better with each other, even when we are in serious disagreement with each other. I want us to get to know each other better, and each and all of us get out of our comfort zones to reach out to each other. I have had some rich conversations with some of you, and others I have not taken the step forward to do the same. We all need to do it, but I need to be the change I want to see. I had intended to call each of you, but I have been advised that by so doing, I could run afoul of disclosure rules. I do invite you to follow-up with me as you see fit before or in Yakima. Yes, I would like you to vote for me, but that cannot happen if you don't know much about me and what I think is important, nor do I know much about some of you and what you think is important. I just know that how we relate to each other at full BOG meetings are in dire need of improvement.

We need to bring factionalism to an end as soon as possible. This has played a role in how and when and to whom we speak with offline and between BOG meetings and committee meetings. As we look ahead, can we really afford to designate a group as "reformers" and those not firmly or reliably in that camp as..."what"? As we talk about what our members want, and being more democratic and transparent, can the others of us on the BOG and our members in general have a vision of what WSBA will look like at the conclusion of the reforms? How do the other things in play impact that vision, such as the Structures Workgroup, further clarification by the U. S. Supreme Court in Fleck, and a likely re-introduction of legislation akin to HB 1788 in the next session? We are at a disadvantage by continuing factionalism, and I must start that effort to end factionalism with me. I truly believe that if we do not

5718 55th Ave., S. Seattle, WA 98118 206-941-5690

E-mail: Alecstephensjr@gmail.com

Alec Stephens
Attorney-at-Law

find ways to pull together, we shall be pulled apart separately. This will be difficult, but by having cross communications outside of current factions, it can be done. It's another reason why we need to talk.

Given the current state of affairs: A re-structured WSBA, in whole or in 2 parts; a new approach to how we proceed with governance; a new way in which we work with staff; a potentially new framework agreed upon by all branches of government with the consent of the public and the members, we have a lot of work to do. In that context, with change on so many levels, I believe we are all reformers. The Board of Governors should accept the role of facilitating conversations and contributions from all our members. I see that as a task in which I can provide facilitative leadership. My motivation is to help us all get to the next best phase in our history. My bias is that as much as possible, we will be as close to an Association as possible, complementing each entity if we cannot be under one organization, but only as separate entities as a last resort.

I know that we talk about what our members want, and we tend to rely on those who communicate with us, but we must do more. We have low participation in the positions for elections to the Board of Governors, so we need to take other opportunities to hear from as many cross-sections of our membership as possible. Some of those opportunities should be listening sessions for members by geography, with 2-3 other governors joining the governor in the host areas. Fee increases are natural items where members should hear from us on how the money is spent and holding listening sessions when that question is up for a vote could be a topic to start the conversation.

I do have a vision for the Association. I would like us to bring back regularly scheduled conventions of our Association of legal professionals where for a few days, under one roof, as many of us as can afford the time or part of the time will come together to meet our colleagues within and across the areas of the law in which we provide services to our clients and the public for the strengthening of our profession and the improvement of the services we provide to them.

I also have a vision for the BOG (inclusive of Governors, Officers and Senior Staff). We need to learn how to work together and to also have FUN...together. Underlying all of that is the idea of building trust by having better relationships, even while we have differing roles. I will always support and promote efforts and activities to build trust and foster better relationships among each other. I include the senior staff (Executive Director and the Management Team) because I do not see Governors as having day to day management of the Association.

So, while I hope you will vote for me, regardless of the outcome of the election, I hope we will get to know each other better.

Thanks,

Alec /s/

5718 55th Ave., S. Seattle, WA 98118 206-941-5690

E-mail: Alecstephensjr@gmail.com

Alec Stephens
Attorney-at-Law

April 21, 2019

Letter of Interest in WSBA President-Elect 2019

When I came before the Board of Governors to seek election to become the next At-Large Governor for the next three years, I recall stating that I did so as a person who would advocate for and support the "Association". In the near 2 years into my term, I hold an even stronger affinity toward building and healing the Washington State Bar Association. That Association is comprised of our member attorneys, paraprofessionals, a dedicated staff, and public volunteers who give their time, talent and treasure to the advancement of our profession, to the cause of justice, and to the service of the people of the State of Washington.

We have been buffeted over the past few years over false dichotomies of whether we should primarily serve our members or the public; whether service to our members should be primarily to the attorney members and secondarily to the other legal professionals; whether focusing on the needs of the public pulls us away from the support and needs of our members; whether the center of power and direction of WSBA should be through the Board of Governors or through the Executive Director and the Staff. I say that these are false dichotomies because these are all shared and equally important functions and duties and charges. They all need to be done in a balance, recognizing that they are all important and intertwined. That it is imbalance and lack of mutual respect for the awesome charge that we have, and a misunderstanding of our various equally important functions, that is the greatest danger and threat to the health and survival of WSBA.

This year's WSBA President and my friend, Bill Pickett, has stated that we move forward only if we have 3 important things: Trust, Relationship & Service. Unfortunately, we only have one of those elements as a constant on the Board of Governors at the present time. There is no doubt in my mind that we all share a deep commitment to service. That does not mean all is lost. It does mean that we have work to do on the Board of Governors to develop trust with each other and for members even if they do not agree with us or some of us or others of us, based on the issue. Trust means not only agreement, but in disagreement, we trust and hold a firm belief of a shared commitment...to the betterment of the Association. I also see a fraying of relationships, and a need to build relationships. This is the number one task for the next President-elect. The task of relationship building is key to our survival as an Association. Too often we question the integrity of those with whom we might disagree, unaware that such an attack rips at the fabric of the Association. We must take time to strengthen our relationships, for those are what sustains our bonds when we are at odds with each other. It is hard work, but it is the most important work, and it is the work that I am committed to do if I am given the honor of becoming your next President-elect.

I look forward to talking to the Board of Governors and other interested parties about my candidacy.

Sincerely,

Alec Stephens /s/

5718 55th Ave., S. Seattle, WA 98118 206-941-5690

E-mail: Alecstephensjr@gmail.com

Alec Stephens
Governor, At Large (2017-2020)

Alec Stephens was elected to the Board of Governors in September 2017. He serves on the BOG Executive Committee, other committees, and is BOG Co-Chair of the WSBA Diversity Committee. Prior to serving on the BOG, Stephens served two terms as Chair of the WSBA Civil Rights Law Section and was on the Sections Policy Workgroup. A graduate of UPS law school. He has been a civil rights lawyer since his admission to the Bar in 1981, serving in positions at the Federal and local government levels. He retired from Sound Transit in 2014.

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
(Began 3-year term on September 29, 2017) (Serving on Budget & Audit
Committee, Personnel Committee, and Awards Committee)
BOG Executive Committee (2018-19)
BOG Co-Chair, WSBA Diversity Committee (2017 to present)

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).

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.

Fred Diamondstone
Attorney at Law

(206) 568-0082
FAX (206) 568-1683

1218 Third Avenue
Suite 1000
Seattle, WA 98101

fred@freddiamondstone.com

May 3, 2019

Ms. Margaret Shane
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101

Via email
margarets@wsba.org

Re: Candidacy of Alec Stephens

Dear Ms. Shane:

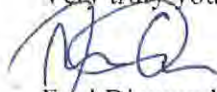
I am pleased to hear that Alec Stephens, Jr. is interested in becoming the next President-Elect of the Washington State Bar Association. I have known Alec for a good number of years, since we were both young lawyers who were interested in justice issues.

Alec will be an excellent leader for the WSBA. He has a passion for justice, a deep interest in the profession of law and the professionalism of the bar and the Washington State Bar Association. His leadership in the recent past, of the Civil Rights Section of the WSBA, was exemplary. He made the section more dynamic and built its continuing legal education program with some outstanding seminars that appealed to lawyers and also to non-lawyers.

As a personal aside, let me say that I am familiar with WSBA's activities through the years as an active member of the WSBA. I presently serve on the Civil Rights Section Executive Committee. I have served on WSBA's Corrections Committee, which I chaired many years ago. I served two terms on the WSBA Court Rules Committee, including service as its Chair in 1998-99. I was honored to receive the President's Award from Wayne Blair, in 1999, shortly after my service as Chair of the Court Rules Committee.

We have been through a traumatic two years in the life of this organization. There will be many challenges ahead. The Legislature has substantially repealed the State Bar Act and granted authority to the Supreme Court to regulate the practice of law, effective next year. The Supreme Court is presently studying WSBA's future, comprehensively. Alec will be a leader who will listen to all sides as he strives to lead WSBA as an organization that will serve both the legal community, as well as the broader community that is so profoundly affected by the legal system and by lawyers.

Very truly yours,



Fred Diamondstone

c: Alec Stephens, Jr. (*via email*)

active/office/2019 Corresp/2019-05-03 – Alec Stephens Support Letter

From: Franklin Shoichet <shoichet@icloud.com>
Sent: Friday, May 3, 2019 5:34 PM
To: Margaret Shane <Margarets@wsba.org>
Subject: Alec Stephens

I support Alec's candidacy.

Frank Shoichet
#6661

Sent from my iPhone

From: Angela Hayes <ahayes@AIIN.COM>
Sent: Monday, May 6, 2019 4:31 PM
To: Margaret Shane <Margarets@wsba.org>
Subject: Letter in Support of Alec Stephens
Importance: High

Dear colleagues:

I am writing to support the candidacy of Alec Stephens for President of the WSBA. As the WSBA governor from District 5 (2015-2018) and past chair of the personnel committee, I had the privilege of serving with and working alongside Alec for two years. I found him to be fair, respectful, well prepared and engaged at every meeting. His questions, his votes, his opinions did not run along any particular "party line," but his focus was always what was best for the mission of the organization – the attorneys of the WSBA and the public which we serve. His contributions to the personnel committee were invaluable. That particular committee was faced with numerous challenges during my tenure, ranging from personnel disputes to salary surveys. Alec attended the monthly committee meetings diligently, asked excellent questions, was a good listener to the various points of view, and served as a stabilizing voice. I'm grateful for his service on personnel.

Alec would be an excellent leader for and representative of this organization – and there is no question that at this critical juncture the WSBA is in need of a leader of his caliber. He is fair-minded, independent, respectful and respected. I urge you all to consider the long term implications of this very important election. I hope to see Alec at the helm.

Angela M. Hayes
Senior Legal Counsel

MAIN > 509.326.6885
DIRECT > 509.777-2671



Associated Industries
1206 N Lincoln St, Suite 200
Spokane, WA 99201

<http://www.aiin.com>

May 6, 2019

WILLIAM D. HYSLOP
Admitted In: Washington & Idaho

President William D. Pickett
Members of the Board of Governors
Washington State Bar Association

VIA E-MAIL

Re: Election of the WSBA President-Elect

Dear President Pickett and Members of the Board of Governors:

Greetings to each of you! Since leaving the Board of Governors at the end of this past September following my four years of service as a WSBA officer, I've followed the Board's public meetings and sessions, and I have tried to stay abreast of current issues before the WSBA and the BOG. Coupled with my prior three years of service as a BOG member, I'm interested in the work of the WSBA.

I write to you today to urge your support and election of Alec Stephens as the next President-Elect of the WSBA.

The WSBA Board has always been an institution dealing with significant issues on behalf of the public who we all serve, the legal profession as a whole, and the WSBA members in particular. Today, our members obviously include attorneys, LPOs, and LLLTs, with no favoritism to be given to any class of member. Over this past season, the dialogue and issues at the BOG have often been harsher and much more controversial which has directly impacted the ability of the Board to make decisions and conduct its business. Likewise, statements from the professional staff at recent BOG meetings lead to the inescapable conclusion that BOG/staff relations and rapport are unfortunately very strained.

I urge the Board to select leaders who have the capacity and willingness to work with disparate views, to bring the BOG together, and to earn the respect of the professional staff. Our WSBA officers must provide active leadership to the WSBA organization as it works to fulfill its mission statement and as its future is defined. I believe Alec Stephens is the candidate who can accomplish this. I believe his abilities are very much needed by our Bar.

I first met Alec when he was serving as Chair of the WSBA Civil Rights Section. He then served on the Sections Policy Workgroup, and of course, he has now nearly two years of service on the BOG. In all these roles, Alec demonstrates the incredibly valuable ability to work with everyone, to listen to different views, to maintain his independent judgment, and to lead.

May 6, 2019

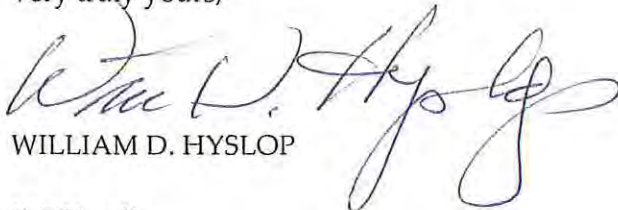
Page 2

He seeks out differing views on issues. He listens to varying points of view. He engages others. He is willing to learn. He only speaks when he is ready to offer his own views after learning those of others. And he exhibits the keen ability to do what it takes to try and bring people together to find common ground and consensus. These are precisely some of the skills and abilities exhibited by our most successful officers.

Alec and I have not always agreed on some issues. I respect his independence. Even when we may disagree, he is always transparent and open with his thinking process and his views. He is very approachable and he is an inclusive leader. In an organization as large as WSBA and one dependent upon the work of the professional staff and the 800 to 900 active volunteers, he is respected by others because he appreciates the value and contribution of each of our members.

WSBA needs a leader like Alec Stephens. He is not one to sit silent on the sidelines. After he has listened and learned, he is willing to express his own independent view so that all the rest of us can learn from his perspective as well. He will help WSBA change where needed. He will help the WSBA move forward. He will communicate with all our WSBA members. He will have the respect of both his fellow BOG members and WSBA's professional staff. I support his candidacy and I urge the BOG to do so as well.

Very truly yours,

A handwritten signature in cursive script, appearing to read "William D. Hyslop". The signature is written in black ink and is positioned above the printed name.

WILLIAM D. HYSLOP

WDH:wdh



Advance
LAW OFFICE PLLC

May 6, 2019

Dear Board of Governors,

I am writing to provide my enthusiastic support for Alec Stephens as President Elect for the Board of Governors (BOG). I worked with Alec for several years under his wise and thoughtful leadership as my predecessor as the chair on the Civil Rights Law Section (CRLS) Executive Committee. He served there as a Section Trustee and later as Chair. When he became the past-Chair while I became the Chair, he continued to provide guidance and leadership.

When he joined the BOG, he became CLRS' liaison and helped us understand the BOG's thinking on different issues. He has continued to provide thoughtful leadership and have given a great deal of time and energy to the service of law and WSBA.

If you want a President who can lead through divisiveness and be a positive and unifying force, Alec has my wholehearted support. I know first-hand how he leads with respect, appreciates colleagues and staff, and provides thoughtful and prompt support.

Again, I enthusiastically support Alec's candidacy President Elect.

Sincerely,

Kelli Schmidt
Former Chair—Civil Rights Law Section
kelli@advancelawoffice.com

Keith M. Black
Attorney at Law
10001 Cherry Lane NW
Gig Harbor, WA. 98332

May 6, 2019

President William D Pickett
Members Of The Board Of Governors
Washington State Bar Association

Re: Letter Of Recommendation In Support Of Candidacy Of Alec Stephens

Dear President Pickett & Members Of The Board Of Governors,

I was encouraged to learn of the candidacy of Alec Stephens for President Elect Of The WSBA, and wanted to write each of you, respectfully asking that you give strong and favorable consideration regarding his election.

Since completion of my service on the Board, I have continued to follow with keen interest the workings of the BOG, and its attempt to navigate its way through some very trying and somewhat tumultuous times and deliberations.

The upcoming BOG elections in May come, in my judgment, at a most critical time and crossroad in the history of the Board, and call for the election of a person who is not only eminently qualified and respected for their professional accomplishments and reputation, but someone who cares deeply for people and will wisely with compassion steward and represent the best interests and mission of the WSBA. Alec Stephens is clearly a person who embodies those qualities and attributes.

From the very outset of my meeting Alec, I was drawn to the depth and quality of his person, and throughout my time of serving with him, most impressed by his willingness to thoughtfully listen and engage in a collaborative manner, and offer insightful and wise recommendations always aimed at what is best for our members, the public, and our profession. Most assuredly, Alec is a man whose very life, law practice, and impressive broad range of community service and tenure on the BOG underscore his ability to serve as an effective leader on behalf of the WSBA.

The upcoming election of President Elect is critically important and calls for a person rock solid in character and integrity, mature and of good judgment, and well respected and esteemed by the public and among our members. Alec Stephens is in my judgment that person. I respectfully ask that you cast your vote in his favor, and grant him the privilege to serve as our next President Elect.

With Best Regards,
Keith M. Black

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: May 8, 2019
RE: ABA Midyear Meeting Report

Enclosed please find information from James Williams, the Washington State Delegate to the ABA, regarding the 2019 ABA Midyear Meeting in Las Vegas. Please note that the blue text on the “American Bar Association State Delegate Report – Washington” are links that will take you to more information if you click on them.

Mr. Williams will be sharing additional information with the Board by phone at the May 16-17, 2019, Board meeting in Yakima.

Enclosures

AMERICAN BAR ASSOCIATION
STATE DELEGATE REPORT
WASHINGTON

James F. Williams

jwilliams@perkinscoie.com

The American Bar Association convened for its Midyear Meeting in Las Vegas, Nevada, January 23 – 29, 2019.

Approximately 2,875 registrants and lawyers from across the country participated in hundreds of section, committee, task force, charitable group, and state bar leadership meetings. Attendees received topical information and the opportunity to discuss important issues facing our profession and system of justice. There were also many networking opportunities for all association members, law students, and state and local bar leaders.

The House of Delegates met on Monday, January 28, 2019. The [Daily Journal](#) of actions of the House of Delegates and the [Select Committee Report](#) can be found on the [House Webpage](#) . The Select Committee Report provides a more comprehensive summary of the newly adopted polices and all other activities and issues that were addressed at the House meeting. It includes copies of reports and resolutions, with a summary of action on each, and also provides video links to the remarks of Association Officers and VIP guests.

Please visit the [ABA Home page](#) to view the most current news on issues impacting our profession and your practice. Our website has been completely redone and it is terrific. Please check it out!

Your commitment to the Association really does make a difference. Please encourage other lawyers, especially those recently admitted to the bar, to join the ABA. Explain why you're a member and the benefits you've found in ABA membership. Let them know that [ABA Member Advantage](#) includes savings and discounts for products and services of value for their law practice ranging from Travel and Lifestyle, Insurance and Finance, Office Products/Services, and Technology and Communications.

Please consider attending the ABA 2019 Annual Meeting to be held in **San Francisco, California**, August 8-13. Details on how to register for the 2019 Annual Meeting will soon be available on the ABA website.

As always, if you have any questions or comments, or if I can be of assistance helping you navigate the many programs and benefits of our Association, please let me know.

Regards,

[James F. Williams](#)

ABA Washington State Delegate

From: Williams, James F. (SEA)

Sent: Wednesday, January 02, 2019 6:18 PM

To: Williams, James F. (SEA) <JWilliams@perkinscoie.com>

Subject: FW: ABA House of Delegates - Washington State Delegate's Summary of Key Resolutions

Dear Friends:

I write as your Washington State Delegate to the ABA House of Delegates in order to highlight the key resolutions (viewable via the link below) that I am inclined to support and advocate for at the ABA Midyear meeting:

A. Gun Control Resolutions

- 106A (Opposes laws and policies that would authorize teachers, principals or other non-security personnel to possess a firearm or that would teach them how to use firearms) – sponsored by the Standing Committee on Gun Violence, Criminal Justice Section and others.
- 106C (Urges that the possession of firearms in and around courthouses be limited to official security personnel) – sponsored by the Standing Committee on Gun Violence, Criminal Justice Section and others.

B. Fresh Start Resolution

- 109B (Urges all legislative bodies to identify the types of criminal arrests, charges and dispositions that are eligible for expungement or removal from public view by sealing) – sponsored by the Criminal Justice Section.

C. Same Sex Civil Rights Resolutions

- 113 (Opposes and urges repeal of laws that discriminate against LGBT individuals in the exercise of the fundamental right to parent) – sponsored by the National LGBT Bar Association and the Commission on Sexual Orientation and Gender Identity.
- 114 (Urges Congress to enact federal law affirming that sexual orientation or gender identity discrimination is deemed sex discrimination under the Civil Rights Act of 1964 and that legal protection of religious freedom does not authorize violation of nondiscrimination laws) – sponsored by the Commission on Sexual Orientation and Gender Identity.

D. Sexual Assault Reform Resolution

- 115 (opposes imposition upon sexual assault victims of a legal burden of proving resistance against an attacker before legal protection attaches and opposes laws that infer consent based on lack of verbal or physical resistance) - sponsored by the Commission on Domestic and Sexual Violence and the Section of Civil Rights and Social Justice, and the Law Student Division.

We will be debating these resolutions in the House on Monday, January 28. **If you have questions about or objections to any of the resolutions discussed above, please let me know no later than Friday, January 18.**

Best regards,

James F. Williams
Washington State Delegate,
ABA House of Delegates

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: April 30, 2019
RE: Election of 2019-2022 At-Large (A) Governor

ACTION: Elect **Drew Pollom, Hunter Abell, Sunitha Anjilvel, or Vicki Lee Anne Parker** to the 2019-2022 At-Large (A) Governor seat on the Board of Governors, for a three-year term, to start at the conclusion of the Board meeting on September 27, 2019.

Attached please find applications and letters of support for the 2019-2022 At-Large (A) Governor¹ candidates, listed in order of appearance, which was determined by random drawing:

1. Vicki Lee Anne Parker
2. Drew Pollom
3. Sunitha Anjilvel
4. Hunter Abell

Enclosures

¹ "The BOG will elect two At Large Governors who are persons who, in the BOG'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 BOG 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 BOG 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 will be determinative." WSBA Bylaws Sec. VI.D(1)(a) (May 18, 2018).

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement may be published on WSBA's website.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 22, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Vicki Parker


7194

Name of candidate (please print)

WSBA Bar #

Signature of Nominator (if relevant)

WSBA Bar #


Signature of Candidate

Note: By signing this form, the candidate understands and agrees that as part of the election process for this at-large position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 22, 2019. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

VICKI PARKER

AT LARGE CANDIDATE'S STATEMENT

A solo practitioner for 42 years, participant on the Ethics Opinions Task Force, Ethics Deskbook Editorial Board, Home Foreclosure Legal Aid Project, and worked as a Disciplinary Hearing Officer, Special District Counsel, arbitrator, negotiator, mediator, and guardian.

Past member of WSBA Committees on Professionalism, Court Rules, Procedures, Judicial Recommendation, and Rules of Professional Conduct, and currently ABA's Judicial Ethics Committee, demonstrating a strong commitment to the ethical practice of law.

Educated at the University of Washington degree in Psychology (scientific method) and Philosophy emphasizing logic. Juris doctorate from Gonzaga Law School. Admitted in Washington, Western District and U.S. Supreme Court.

VICKI LEE ANNE PARKER
Attorney at Law
5108 71ST Way N.E.
Olympia, Washington 98516
360-491-2757

Board of Governors
WSBA, 1325 - 4th Ave., Suite 600
Seattle, WA 98121-2539

April 22, 2019

Re: Selection as At-large BOG Member

Dear Governors,

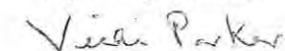
Nothing is more important to an independent, functioning bar association and the reputation of our profession than demonstrating our commitment to the law. One aspect stressed when our professional association established the at-large positions is to provide representation to traditionally underrepresented populations on the board. The voices were meant to improve our Bar.

As a sole practitioner having worked in a government agency and the Washington State Senate, I bring a unique understanding of law as it is created, carried out and impacts the real world.

The Bar Association was established by law in 1933 with very specific purposes. Today, our association is facing serious challenges from a number of directions. We are revisiting who we are, what we should do and how to do it. I want to help solve problems and reach for the best.

Thank you for your consideration.

Very Truly Yours,



Vicki Parker

VICKI PARKER

5108 71st Way N.E., Olympia, WA 98516 • 360-491-2757 • VLAParker@aol.com

Professional Summary

Seasoned attorney with more than 40 years of experience working on a variety of cases and matters but concentrating most recently on Wills, Probates and Real Property. Other legal issues have involved many categories of law not limited to but including small businesses, contracts, adoptions, dissolutions, water issues, well agreements, cemetery issues and governmental questions. Comfortable working alone or with others. Prepares for the unexpected as well as the expected. Director of State-wide educational competition for 10 years.

Professional Activities and Skills

- ABA Judicial Ethics Committee, currently in 8th year of service
- Member, Judicial Recommendation Committee 3 years
- Hearing Officer, Hearing Officer Panel, W.S.B.A. 5 years
- Formal Ethics Opinions Review Task Force, RPC Committee, W.S.B.A., 2 years report to BOG
- Member, Rules of Professional Conduct Committee, W.S.B.A. 7 years
- Peer Mediator 5 years
- Trained and served as a GAL
- CLE Presenter, LOMAP, Ethics
- CLE Presenter/contributor, WSBA, Ethics (Probate & Wills)
- CLE Co-chair, Moderator, Presenter, WSBA, Introducing WSBA ETHICS Deskbook
- Professionalism committee, W.S.B.A. 2 years
- Editorial committee, WSBA, Ethics Deskbook (erroneously listed as reader)
- Member, Court Rules and Procedures Committee, W.S.B.A. 3 years
- Member, Continuing Legal Education Committee, W.S.B.A. 3 years
- Special District Counsel, Special District Counsel Panel, W.S.B.A., (resigned to avoid conflict under newly adopted ELC)
- Home Foreclosure Legal Aid Project 4 years

Work Experience

Solo practice

Chief Legal Investigations, Minority and Women's Business Enterprises DOT

Right of Way Negotiator and Condemnations, DOT

Senate Staff Non-partisan Attorney (Natural Resources, Ecology, Parks)

Legal Research (Paul Luvera, Bannister, Bruhn and Cunningham, others)

Rule 9 Legal Intern, Bantz, Hemovich & Nappi

Held jobs from age 10

Admissions and Associations

Washington State Bar Association

Western District Federal Bar

U.S. Supreme Court

American Bar Association

Law Office of P. Bosmans

1607 25th St. Pl. S.E., Puyallup, WA 98372
Tel: (253) 770-3164 Email: PBosmans_Law@outlook.com

May 3, 2018

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539
barleaders@wsba
Terran@wsba.org

Dear WSBA Board of Governors:

I am writing on behalf of Vicki Lee Anne Parker to recommend her appointment to the at large position on the Board of Governors.

I really appreciated the time and care she took to write to me and explain the mandatory insurance issue. I appreciated her responses to my questions and believed that this is a person I wanted representing me on the Board. When she was not elected I was disappointed but happy to see that there is another position for which she is very well qualified.

Thank you for your attention to this matter. This appointment is important to Ms. Parker and to me.

Best,



Patricia Bosmans
Bar # 9148

From: Dan Fazio <dfazio@wafla.org>
Sent: Monday, May 6, 2019 1:54 PM
To: Bar Leaders <BarLeaders@wsba.org>; Terra Nevitt <terran@wsba.org>
Subject: Letter in Support - At Large BOG Position

Bar Leaders:

I am writing to submit a letter of support for Vicki Lee Ann Parker for a position as an At Large Board of Governor.

My name is a Dan Fazio. My WSBA number is 28430. I have been a member in good standing since 1998.

As the executive director of a non profit organization myself, I know how important committed volunteer leaders are to the success of the organization. Ms. Parker impressed me by sending correspondence clearly articulating her position regarding the importance of a strong BAR organization, and by following up to explain her well thought out position.

Vicki believes in a strong BAR. More importantly, she strongly believes in listening to members. These characteristics qualify her, in my opinion, for a position as an At Large Board of Governors positions.

Thank you for considering Vicki Lee Ann Parker as an At Large Board of Governor.

Kindly,

Dan Fazio

Director/CEO

wafla

wafla.org | [Find us on facebook](#)

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement may be published on WSBA's website.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 22, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Andrew Pollom	49632
Name of candidate (please print)	WSBA Bar #

Signature of Nominator (if relevant)	WSBA
Bar #	


Signature of Candidate

Note: By signing this form, the candidate understands and agrees that as part of the election process for this at-large position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 22, 2019. Filing may be

accomplished by emailing the form and attachment to
barleaders@wsba.org.

My fellow Bar members and leaders:

For those who do not know me, my name is Drew Pollom, and I am proud to apply for the open At-Large position with the Board of Governors. For the past two years, I have had the privilege of serving the Lummi Community first as a Child Welfare Attorney and now as a Deputy Prosecutor. It is my professional passion to serve native communities, either as an in-house attorney or an outside counsel. During my short legal career, I have had the great fortune of meeting fantastic mentors and colleagues within our small community. I want to become more involved with the Bar because I want to give back to the legal community in the same way that previous bar leaders have for our community.

I am also very concerned about the road that is Bar must take in light of the *Janus* decision. As a young attorney, my career and our profession will be dramatically impacted by the structural changes that Bar undertakes in order to comply with the new rules and regulations that are developed today. I believe that it is imperative that new and young attorneys have a voice in the process to ensure that the needs of young attorneys are met and the concerns are addressed. I also believe that having a young attorney with a seat at the table is vital since the choices made now will have an impact on the profession for the decades to come.

Thank you for your time and consideration.

Sincerely,

Drew Pollom



Currently, a prosecutor for the Lummi Nation its Drew's professional passion working with, and serving, indigenous communities. Having lived in Washington all of his life as well as being an product of Gonzaga University (undergrad), Seattle University (J.D.), and the University of Washington (L.L.M), Drew can be found joking about how thick the moss is on his back. He can be found at Centurylink field rooting for the Sounders or in his garden rooting out weeds and harvesting rhubarb.

Drew understands that the Bar is undergoing serious changes in the light of the recent decision and is dedicated to ensuring that member voices, especially of those younger members, are heard throughout the process.

PROFESSIONAL

Licenses: Washington State, No. 49632

Jurisdictions: Washington State 2015, Puyallup Tribes 2015, Tulalip Tribes 2015; Lummi Nation 2017

Awards: Order of the Barristers, Seattle University School of Law

Publications: *Killing the Policy to Save the Child: Comparing the Historical Removal of Indigenous Children in Australia to the United States and How the Countries Can Learn from Each Other*, 4 Am. Indian L.J. 252 (2016); *Betting Against the House: Santa Ysabel and the Lessons Learned in Indian gaming*, WBSA Indian Law Newsletter Summer 2016

Affiliations: Phi Alpha Delta (PAD); Northwest Indian Bar Association; Washington State Bar Association-Indian Law section;

Certifications: The National Institute on the Prosecution of Domestic Violence in Indian County, completed March 1, 2019.

EDUCATION

University of Washington, School of Law, LL.M, Sustainable International Development, Indigenous Rights Concentration, 2018

Seattle University School of Law, Seattle, WA: Juris Doctor, *Cum Laude*, 2015

Gonzaga University, Spokane, WA

Bachelor of Arts, *Cum Laude*, Political Science & Criminal Justice, 2011

EXPERIENCE

Lummi Nation, Bellingham, WA

Deputy Tribal Prosecutor-January 2019- Present

Representing the Lummi Nation in all civil prosecutorial matters as well as criminal matters, juvenile delinquency, and exclusions. Present in Lummi tribal Court from bail setting through the post-adjudication stages of criminal and civil proceedings. Also serve as counsel to the Exclusion Committee.

Lummi Nation, Bellingham, WA:

Staff Attorney I- ICW, February 2017- December 2018

Represented the Lummi Nation in all dependency matters. Writing includes extensive preparation of orders, motions, and declarations. Role includes working closely with Lummi Child Services and the individual social workers in determining the best interests of the child. Also take into account the opinions of the child's individual service providers, the Child Consultation Team, and the Grandparents Committee.

Perkins Coie, Seattle, WA: Commercial Litigation, ESS Discovery Services, Review Attorney, June 2016- February 2017

Working within the ESS team, I review documents at the center of litigation for confidential or privileged information. This work ensures both compliance with court ordered discovery in pending litigation, while protecting the privacy, and legal rights, of our clients.

Tulalip Tribes, Tulalip, WA: *Law Clerk/Staff Attorney*, October 2015-May 2016

Worked as clerk for Chief Judge Ron Whitener of the Tulalip Tribal Court. Projects include bench memorandum for both criminal civil dockets. Developed court paperwork for customary adoption proceedings as well as compiling statistics on criminal cases in tribal court as part of grant application for the Tribe.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement may be published on WSBA's website.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 22, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Sunitha Anjilvel

40659

Name of candidate (please print)

WSBA Bar #

Signature of Nominator (if relevant)

WSBA Bar #



Signature of Candidate

Note: By signing this form, the candidate understands and agrees that as part of the election process for this at-large position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 22, 2019. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

ANJILVEL LAW GROUP

800 5th Ave Suite 4100 Seattle, WA 98104
(206) 922 2826 info@amlawseattle.com amlawseattle.com

April 22, 2019

Dear Governors,

I am hereby submitting this application for the At Large Board Position on the WSBA Board of Governors.

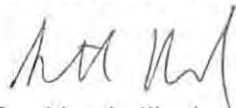
I have been practicing family law in the Seattle area since 2008 and I am committed to serving the needs of the community. My solo practice caters to many clients from the Redmond-Seattle area with its burgeoning community of technology professionals. I am a member of the Diversity Committee of the WSBA and am very excited about our Committee's work in diversity outreach programs with our local law schools. Last month it was my honor to help develop a WSBA CLE webinar on Micro Aggressions where I participated in a live panel. The CLE was well received and was attended by around 1800 lawyers and legal professionals. I was recently elected by my peers at the Domestic Relations Attorneys of Washington (DRAW) for a three-year term on DRAW's Board of Directors. DRAW is an organization that comprises over 500 family law lawyers across the state and is an active voice in the family law community.

The path to my current position was by no means a conventional one. After obtaining a degree in Philosophy at McGill University, I went on to get a law degree from Dalhousie University in Canada in 1990. I began my legal career as a government lawyer representing socio-economically disadvantaged individuals in family and criminal law courts in rural areas of Newfoundland and Labrador, Canada.

I relocated to Los Angeles, California in 1993 and was admitted to the California Bar in 1995. where I practiced criminal and family law. While in Los Angeles, I also served as a director of a nonpartisan political effort that placed a redistricting reform initiative on the California ballot in 2005. My experience in working with folks on both sides of the aisle taught me a lot about ways to build consensus.

Throughout my career the concept of service has been important to me and I would welcome the opportunity to be a part of the WSBA's mission to serve the public and my fellow members of the Bar. I believe that our members should always be guided by the basic principles of good governance and a clear understanding of our structure and bylaws. Dissent and disagreement on issues is to be expected among a group of lawyers. In my experience in working with opposing stakeholders, there is always a path to a rational measured dialogue that yields a fair and democratic resolution.

I thank you for your consideration of my application.



Sunitha Anjilvel

SUNITHA B. ANJILVEL

Dynamic attorney with twenty-nine years of experience as a litigator in family law, criminal law and civil litigation in a variety of courts in Washington State, California, and Newfoundland, Canada. Strong commitment to social justice and civil rights. Unique background managing high profile ballot initiative campaign in California working with different stakeholders on redistricting reform

EXPERIENCE

ATTORNEY AT LAW

May 2015-Present

Anjilvel Law Group, Seattle, Washington

Handle complex family law, estate planning and guardianship cases providing full service representation as well as unbundled representation to clients in need. Handled limited number of civil rights cases.

- Provided representation for clients in high conflict cases in family law involving complex property settlements and issues surrounding children, parenting plans, modifications, third party custody, de facto parentage, child support.
- Litigated multiple complex family law trials with successful outcomes.
- Participated in numerous mediation settlements, achieving resolution and avoiding trial to the benefit of the parties.
- Handled civil rights cases involving issues relating to discrimination based on race and gender orientation.
- Represented mother of deceased at a three day inquest before a jury investigating police misconduct.

SENIOR ASSOCIATE ATTORNEY

August 2014-April 2015

Engel Law Group, Seattle, Washington

Handled cases involving family law issues in Washington courts.

- Represented clients in family law including separation, divorce, child custody matters, modification of parenting plans and non-parental custody actions.
- Took two complex cases to trial, obtaining successful outcomes for clients.
- Represented clients at ALJ hearings involving child support.

ATTORNEY AT LAW

June 2008-August 2014

Law Office of Sunitha Anjilvel, Redmond, Washington

Handled cases involving criminal, family, and civil law issues in Washington courts.

- Represented clients in family law including separation and divorce. Drafted marital property settlement agreements and negotiated complex division of matrimonial assets and liabilities.
- Child custody matters including drafting of parenting plans, negotiating terms, and litigating on both initiating and defending domestic violence actions in Superior Court.
- Represented client and prevailed before ALJ regarding unemployment benefit denial.

ATTORNEY AT LAW

1995-2007

Law Office of Sunitha Anjilvel, West Hollywood, California

Handled a variety of cases involving criminal, family, and civil law issues in California courts.

- Drafted and argued complex civil litigation motions.

- Litigated civil rights anti-discrimination cases involving gender discrimination.
- Consultant to CEO of business technology enterprise.
- Represented clients charged with felonies and misdemeanors.
- Litigated issues relating to divorce, custody, and child and spousal support matters in family courts.

SUPERVISING DIRECTOR

2005

Californians for Fair Redistricting, Los Angeles, California

Managed non-profit multi-partisan organization which raised over \$800,000 to support California ballot initiative relating to legislative redistricting reform.

- Ensured organization's compliance with applicable campaign finance laws.
- Worked with a variety of stakeholders to raise money and public awareness regarding ballot issue.
- Supervised organization of fundraisers, worked on publicity campaigns, developed and implemented strategies to get vote out. Acted as liaison to form network of radically different partisan groups in support of the proposition.

STAFF ATTORNEY

1990-1993

Newfoundland Legal Aid Commission, Marystown, Newfoundland

Independently handled a large caseload of indigent clients (200+ open files a year) in adult and juvenile criminal law, family law and administrative law matters.

- Worked as criminal Duty Counsel in circuit courts across Newfoundland and Labrador as court appointed counsel. Made numerous appearances in the Supreme Court of Newfoundland as attorney of record in criminal indictable (felony) matters.
- Defended clients in complex cases involving government wiretaps and complex constitutional law issues. Did jury trials, criminal appeals, and sentence hearings.
- Represented clients in divorce, child custody, visitation and child welfare cases.
- Did Worker's Compensation and Social Assistance Benefits appeals at administrative hearings.

ASSOCIATIONS

Member Diversity Committee, Washington State Bar Association

Member Board of Directors Domestic Relations Attorneys of Washington (DRAW)

Association of Conciliation and Family Courts

King County Bar Association

California Bar Association

VOLUNTEER ACTIVITIES

Volunteer attorney member

Diversity Committee, Washington State Bar Association

2018-20

- Appointed for two-year term to WSBA committee that addresses issues of inclusion and diversity in the WSBA community

Volunteer Attorney

2013

Kinship Care Project, King County Bar Association

Represented client through Kinship Care program of KCBA involving third party custody actions

Volunteer Lead Attorney

2010

Northwest Immigrant Rights Project

- Supervised law students in successfully obtaining a U visa for a client who acquired legal status in the country.

Member of PR Subcommittee of the KCBA Pro Bono Services Committee 2009-2010
King County Bar Association

- Member of standing committee that develops policy and oversees operations of the Bar's pro bono legal services program.
- Developed website/blog **Pro Bono Dicta** to educate lawyers and encourage members of the Washington State Bar to provide pro bono services to those in need.

Pro Bono Attorney, Volunteer Attorneys for Persons Living with HIV/Aids (VAPWA) 2009
Bailey-Bonshay House, Seattle

- Drafted wills, advanced health care directives, and durable powers of attorney for persons living with HIV and AIDS.

EDUCATION

Dalhousie University, Halifax, Nova Scotia
JD, 1990

McGill University, Montreal, Quebec
BA, Philosophy, 1985

BAR MEMBERSHIPS

Washington State Bar, (active)
State Bar of California, (active)
Newfoundland Law Society, Newfoundland Canada, 1990 (inactive)

LANGUAGES

Fluent in Spanish and French

April 22, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Board of Governors – At-Large Governor

Dear Governors:

I respectfully submit my name for consideration to serve as an At-Large Governor to the Washington State Bar Association (“WSBA”) Board of Governors. As requested, enclosed is a copy of the Application Form, a biographical statement, and a current resume.

The At-Large Governor to the Board of Governors is to be someone with the experience and knowledge of the needs of attorneys whose membership may be historically underrepresented in WSBA governance. Alternatively, they may be someone who represents some of the diverse citizens of Washington, to the end that the Board of Governors will be a more diverse and representative body than the results of elections based solely on Congressional Districts may allow. I believe I meet these criteria for multiple reasons.

First, I had the honor of growing up on the Colville Indian Reservation in eastern Washington, and have the pleasure of currently practicing in the area of Native American law. Although I am not an enrolled member of a tribe, I have the unique experience of living in a tribal community for nearly two decades. It has informed my views on race and justice, and that experience would contribute an invaluable perspective on the Board of Governors. My interest in this area is manifested by my continued service with tribal justice systems and practitioners, including serving as the Chief Justice for the Quinault Indian Nation Court of Appeals and serving previously as Chair of the WSBA Indian Law Section.

Second, I proudly served in the U.S. Navy, both as an active duty member, and as a reservist. According to a 2016 Pew Research Center study, only 7% of U.S. adults were veterans, down from 18% in 1980.¹ Speaking from personal experience, I am well aware that the WSBA licenses and regulates numerous uniformed Judge Advocates throughout the world. To my knowledge, this unique sub-set of Washington practitioners has rarely had substantial representation on the Board of Governors, and I believe the Board of Governors and, by extension, the members,

¹ Kristen Bialik, *The Changing Face of America's Veteran Population*, PEW RESEARCH CENTER (Nov. 10, 2017), <https://www.pewresearch.org/fact-tank/2017/11/10/the-changing-face-of-americas-veteran-population/>

would benefit from a military perspective. This is particularly important as the share of America's female veterans, including Judge Advocates, rises within the veteran demographic.

Finally, I have a distinctively statewide perspective that stems from my growing up on the Colville Indian Reservation in Ferry County, residing in Snohomish County, and practicing in downtown Seattle. As a proud Washington attorney, this unique background enables me to interact with members from a variety of communities and practices. I believe this experience would significantly help the WSBA with outreach to rural and underserved communities.

As you may know, I have also applied to fill out the unexpired term for former Governor Michael Cherry to represent the 1st Congressional District. I did not take the decision to apply for both positions lightly. It is both because of the unique challenges currently facing the WSBA, and because I believe that I can assist with those challenges, that I do so. I care deeply about the state of our legal profession, and believe that I can be a constructive, pro-active, and informed member of the Board of Governors as it grapples with important issues. These issues include the post-*Janus* WSBA structure, potential imposition of mandatory malpractice insurance, WSBA institutional administration, and proposals for accurately assessing and responding to WSBA staff concerns. I look forward to addressing all of these issues as the appointment process unfolds. I also look forward to serving the WSBA's exceptional members and working to make the WSBA responsive to the needs and concerns of membership. I believe that, in order for the WSBA to effectively serve the public, it must effectively serve and represent the members.

Finally, I previously made three pledges to you. If appointed to this position, I reiterate them here: 1) I will utilize and apply the WSBA Creed of Professionalism in all my interactions with Governors, WSBA staff, and the public; 2) I will address issues on the basis of principle, rather than personality; and 3) I will continually strive to bring credit on our shared legal profession.

Thank you for your time and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Hunter M. Abell". The signature is fluid and cursive, with a large loop at the end.

Hunter M. Abell

Encl.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Application Form At-Large Position

INSTRUCTIONS

- 1) Complete this application form. If you are nominating someone else, ask them to sign it below and submit it along with the required attachments.
- 2) Attach the following:
 - A brief (100-word maximum) biographical statement including current occupation, relevant experience, and education. This statement may be published on WSBA's website.
 - A letter of interest.
 - A resume.
- 3) Scan and email the signed form and attachments to barleaders@wsba.org. **Applications must be received by 5 p.m. PST on Monday, April 22, 2019.**
- 4) Questions? Contact Pam Inglesby at pami@wsba.org or 206-727-8226.

Candidate for position on the Washington State Bar Association Board of Governors

I, the undersigned active member of the Washington State Bar Association, am running for the At-Large position.

Hunter M. Abell 37223
Name of candidate (please print) WSBA Bar #

Signature of Nominator (if relevant) WSBA Bar #


Signature of Candidate

Note: By signing this form, the candidate understands and agrees that as part of the election process for this at-large position, the WSBA routinely checks the grievance and discipline files for any records related to candidates. Thus, the candidate waives confidentiality of these materials to WSBA staff and the Board of Governors.

This form must be filed in the Office of the Executive Director of the WSBA no later than 5 p.m. PDT on April 22, 2019. Filing may be accomplished by emailing the form and attachment to barleaders@wsba.org.

Hunter M. Abell is a member at the Seattle office of Williams, Kastner & Gibbs, PLLC. Hunter is a native of eastern Washington where he was raised on a ranch in rural Ferry County. A graduate of the College of William & Mary, Hunter attended law school at Gonzaga University School of Law and received a LLM at Georgetown University Law Center. Before joining Williams Kastner, Hunter served as a JAG officer with the U.S. Navy, and is a Commander in the U.S. Navy Reserve. Hunter previously served as Chair of the WSBA Professionalism Committee and Indian Law Section.

HUNTER MAGNUSON ABELL

18318 32nd Ave. SE
Bothell, WA 98012
hunter.abell@hotmail.com
(509) 994-7567

EMPLOYMENT:

Williams, Kastner & Gibbs, PLLC

Member, Seattle, WA, November 2010 – Present. Represent hundreds of clients before state, federal, and tribal courts or administrative tribunals. Advise clients in complex, high-stakes litigation. Emphasis on business litigation and tribal matters.

Associate Recruiting and Training Committee – Chair.

United States Navy Judge Advocate General's (JAG) Corps

U.S. Navy/U.S. Navy Reserve, April 2003 – Present. Commander (O-5) in USNR. Deployed to Baghdad, Iraq in 2007-2008, Guantanamo Bay, Cuba, in 2014 –2015. Executive Officer for Preliminary Hearings Unit.

Ferry County District Court – Judge Pro Tem, September 2017 – Present.

Quinault Indian Nation – Court of Appeals Chief Justice, March 2011 – Present.

Hoh Indian Tribe – Court of Appeals Associate Justice, January 2015 – Present.

Round Valley Indian Tribe – Court of Appeals Associate Justice, January 2015 – Present.

EDUCATION:

Georgetown University Law Center, Washington, DC

Masters of Law (LLM) *With Distinction* May 2006; GPA: 3.67
Individual Study - Constitutional Law with National Security Certificate

Gonzaga University School of Law, Spokane, WA

Juris Doctorate (JD) *Cum Laude*, May 2005; GPA: 3.34, top 15% of class
Student Government, S.B.A. President
Gonzaga Law Review, Associate Editor

The College of William & Mary, Williamsburg, VA

Bachelor of Arts (BA) in Government, May 2002; GPA: 3.2
Student Government, Vice President for Liaison Affairs
Honor Council, Justice

AWARDS AND RECOGNITION:

2017 Puget Sound Business Journal “40 Under 40” Award – Award presented by the *Puget Sound Business Journal* to recognize rising business leaders under the age of 40.

2016 Rising Star Award – Award presented by *Super Lawyers* magazine to top 2.5% of Washington attorneys younger than the age of 40.

2015 WSBA Courageous Award – Award presented for “exceptional courage in the face of adversity, thus bringing credit to the legal profession.”

Defense Meritorious Service Medal – July 2015. Medal presented upon successful completion of service as Chief of Military Justice at Joint Task Force Guantanamo, Guantanamo Bay, Cuba.

Joint Service Commendation Medal – May 2008. Medal presented upon successful completion of service as Liaison Officer to Central Criminal Court of Iraq, Baghdad, Iraq.

Gonzaga University School of Law Commencement Speech – May 2005. Selected to deliver commencement address on theme of “Attorneys of Honor, Faith, and Courage.”

PRESENTATIONS AND PUBLICATIONS:

WSBA Indian Law Section CLE, Chair, 2014. Coordinate speakers on developments in federal Indian law, sovereign immunity, and gaming matters.

PROFESSIONAL ACTIVITIES:

Gonzaga University School of Law Board of Advisors – Member, 2012-Present.

WSBA Indian Law Section – Chair, 2013-2014.

WSBA Professionalism Committee – Chair, 2012-2013.

CIVIC PARTICIPATION:

Canyon Hills Community Church – Member, 2010-Present.

Seattle Navy League – Board Member, 2016-Present.

PERSONAL:

Married (Sara) with two daughters (Libby and Wynn timer). Avid hiker, waterskiier, and history buff.

May 1, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Re: Board of Governors - 1st Congressional District Application

Dear Governors:

Thank you for your consideration of my potential service on the Washington State Bar Association ("WSBA") Board of Governors. Attached for your consideration are letters of support and recommendation from a variety of colleagues in the legal profession and from members of the community.

I am particularly honored that these letters of support include a letter from Michael Cherry who previously represented the 1st Congressional District on the Board of Governors. I unsuccessfully ran against Mr. Cherry last year, so I am honored by his confidence in me to serve.

I am also pleased to include a letter of support from my former Commanding Officer in the U.S. Navy JAG Corps, Captain Matthew Muenchrath, JAGC, USN. Captain Muenchrath is a proud Oregon attorney, and very familiar with many of the challenges and responsibilities of belonging to a mandatory bar. Similarly, I include an Evaluation Rating from the Washington State Veterans Bar Association ("WSVBA"). As you can see, the WSVBA felt sufficiently strongly about the current challenges facing the WSBA that it felt an Evaluation Rating was appropriate. I was extremely honored to be rated as "Exceptionally Well Qualified."

Enclosed are also several letters from individuals I have practiced with in my Native American and Tribal Affairs practice at Williams Kastner & Gibbs, PLLC. These include letters from Seattle City Councilmember Debora Juarez (District 5) who hired me at Williams Kastner nearly a decade ago. They also include letters from Judges Jane Smith and Christine Pomeroy. I have the honor to serving with both these individuals on the Quinault Tribal Court of Appeals, and have known Judge Smith through family connections on the Colville Indian Reservation for many years.

Washington State Bar Association
Board of Governors
May 1, 2019
Page 2

Finally, enclosed are letters of support from various pro bono clients that I have served over the years, including Brandon Nishijo, the Moens family, James King, and Casey Johnson. All of these letters are meaningful to me, and I am humbled by their support.

Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Hunter M. Abell". The signature is fluid and cursive, with a large initial "H" and "A".

Hunter M. Abell
Attorney at Law
(206) 233-2885
habell@williamskastner.com

Enclosures

LEX@UIRO

March 11, 2019

Board of Governors
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle WA, 98101

By email

Dear Governors

Let me again express my gratitude for understanding my need to resign as the Governor for the First Congressional District so I could work to get my polyangiitis with granulomatosis back in chemically induced remission. I appreciate your kind words and thoughts.

I am writing to ask your consideration for Hunter Abell to replace me at the Governor for District One for the remainder of my term.

Hunter ran against me during the election and the run-off. I was elected by a thin majority over Hunter. Throughout the campaign I was impressed by Hunter's knowledge of issues such as Janus (which he raised during our taped interviews), and his thoughts for addressing issues of import to the members. Since then we have discussed the future of the bar including matters such as mandatory malpractice insurance.

Hunter can draw on his experience as an attorney in private practice and as a Judge Advocate General officer with the Navy for problem solving and consensus building.

If you felt I was an independent member of the board, who evaluated each issue on its merits, and voted in the best interests of the bar's member attorneys and the public, please consider supporting Hunter as my replacement.

Yours truly,



Michael Cherry
Member-Manager, Lexquiro PLLC

MUENCHRATHLAW, LLC
ATTORNEYS AT LAW

MATTHEW P. MUENCHRATH
AMY L. MUENCHRATH

280 N COLLIER
COQUILLE, OR. 97423

AMBER REED
SCOTT CULPEPPER

March 12, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

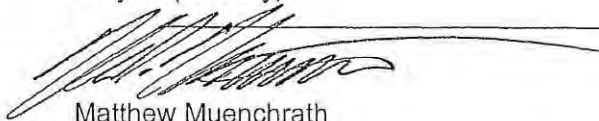
It is my privilege to write a letter of support for Hunter M. Abell to serve on the Washington State Bar Association ("WSBA") Board of Governors as a representative from the 1st Congressional District. I served as Hunter's Commanding Officer in the U.S. Navy Reserve for two years from 2016-2018. During that time, I had the opportunity to observe Hunter as his supervisor and mentor in a variety of complex and challenging professional situations.

I cannot think of a better person than Hunter Abell to serve on your Board. He is a consummate professional with a keen eye for detail and an exceedingly professional demeanor. His work ethic and ability to contribute to the team effort is peerless. While serving in our unit, he routinely requested additional duty and sought professional challenges. He volunteered and excelled as the western-region public affairs officer for our entire reserve judge advocate general program. As his supervisor, I knew that when I gave a task to Hunter, the job would be properly analyzed for what needed to be done and done right the first time.

Hunter understands the value of service and responsibility. As a reservist, Hunter voluntarily offers time away from his family and billing hours from his firm to serve our country. I received nothing but absolute high praise and accolades from every command that he supported. I have no doubt that he would serve the same in any endeavor as part of the Board of Governors. I understand that the WSBA is a mandatory bar association, similar to the Oregon State Bar, and, as a result, the WSBA has a special responsibility to carefully steward members' dues. I am confident that Hunter would carry out this duty in a highly responsible manner.

As a proud "northwest lawyer," a member of the Oregon State Bar, and Hunter's former Commanding Officer, I offer my whole-hearted support recommendation of Hunter Abell for appointment to this position without any reservation. I would want him to serve on our board. Feel free to contact me on this matter.

Very respectfully,



Matthew Muenchrath

Washington State Veterans Bar Association

March 4, 2019

Mr. Hunter Abell

Re: Washington State Veterans Bar Association WSBA Board Evaluation Rating


Dear Mr. Abell,

Thank you for submitting your Washington State Bar Association Board of Governors candidate materials to the Washington State Veterans Bar Association Steering Committee. We are pleased to evaluate your candidacy. After reviewing your submissions, the Committee evaluates your fitness for appointment to the WSBA Board of Governors as:

"Exceptionally Well Qualified"

This evaluation is based on our review of your application materials and WSVBA supplement, Washington's professional standards, as well as our sense of the quality of representation and advocacy abilities of a WSBA Board Member. Thank you again for taking the time to submit your materials to the WSVBA.

Sincerely,



Michael J Casey
Washington State Veterans Bar Association
Steering Committee
WSBA # 9111

About Washington State Veterans Bar Association

Washington State Veterans Bar Association (WSVBA) is a networking organization for attorneys and law students who have served in the United States Armed Forces. We are a non-partisan and veteran-centric organization. We seek to provide a voice for the 650,000 veterans of Washington State and address legal, political, and social issues facing veterans and their families.

2019-2020 Steering Committee

Caesar Kalinowski IV, Chair and Veteran (USMC)

John M. Tymczyszyn, Veteran (USN)

Shane McKinnie, LTCDR USNR

Mike Casey, Veteran (USA)

Eric Peterson, CMDR USN

John H. Varga, Veteran (USA)

Thomas Jarrard, Veteran (USMC)

Joe Derrig, Veteran (USAF)

Sarra Marie, Fmr. Employee USN

Gavriel Jacobs, Veteran (USMC)

March 11, 2019

Washington State Bar Association
ATTN: Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

I write to enthusiastically support your appointment of Hunter Abell to serve on the Washington State Bar Association Board of Governors. As a Seattle City Councilmember, attorney, former Superior Court judge, enrolled member of the Blackfeet Nation, and someone who cares deeply about our legal profession, I believe that Hunter would be a superb leader for the organization.

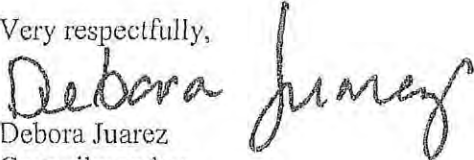
I have known Hunter for approximately ten years. I first met him when I was Chair of the Tribal Practice Group at Williams Kastner & Gibbs in Seattle. Hunter interviewed for a position at the firm as he was leaving active duty with the U.S. Navy, and I made the decision to hire him. It is a decision that I never regretted. I was his direct supervisor for approximately four years. During that time, Hunter and I worked together on important matters impacting Indian Country, including representation of the Blackfeet Nation in crucial economic development efforts, representation of elected members of a local tribal council in highly-politicized criminal prosecutions, and representation of Native American farmers in the landmark *Keepseagle v. Vilsack* settlement process. I also encouraged Hunter to serve as a tribal court judge.

These experiences make Hunter uniquely qualified to serve on the Board of Governors. His tribal law background affords Hunter an unparalleled perspective when addressing matters of importance to Native American tribes in Washington, particularly as tribes continue to develop increasingly-sophisticated judicial systems. This alone would be an advantage in serving on the Board of Governors, but his character as an attorney and person of integrity makes him a perfect pick for this position.

I encourage you to appoint Hunter to this position, and offer my strongest personal support.

Thank you.

Very respectfully,


Debora Juarez
Councilmember

Judge Jane M. Smith

380 P Elmer City Access Road
Coulee Dam WA 99116
509-994-1149

February 21, 2019

Washington State Bar Association
ATTN: Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter M. Abell

Dear WSBA Board of Governors:

I am honored to submit a letter of recommendation for Hunter Abell to be a member of the Board of Governors for the WSBA. My name is Jane M. Smith and I am the Court Administration Supervisor for the Colville Tribal Court of Appeals in Nespelem WA. I am also a tribal judge/justice. I currently serve as a part time judge/appellate justice for the Quinault, Kalispel, Spokane, Suquamish and Tulalip Tribal Courts. I have been involved with tribal court systems for over 38 years. I have trained tribal court staff both regionally and nationally. During my tenure, I have worked with a number of attorneys, both good and less than stellar.

I was appointed to the original Practice of Law Board and served for 8 years. After that I was appointed to the Gender and Justice Board, the Disciplinary Board and am currently serving on the Disciplinary Advisory Round Table. All Washington State Supreme Court appointments. I was the tribal court representative on the WA Fall Judicial Conference planning committee for many years, working with judges to educate them on ongoing court issues, including teaching them about tribal courts. During all those years, I have had the opportunity to work with members of the BOG and am familiar with its background and mission.

I have known Hunter for many, many years. He grew up in my hometown, Inchelium WA. His grandparents were my teachers at the local grade and high school. Being from a small town, even though I didn't know him personally then (I was several years older), I was familiar with his family and he was friends and schoolmates with my nieces and nephews.

During law school, he interned at the Public Defender's Office here at the Colville Tribe and that is where I had my initial contact with him. I was good friends with the Public Defender and Mike would give me glowing accounts of his intern. I was not surprised, as Hunter comes from good stock.

Hunter was the President of the S.B.A. when our Court of Appeals took an appellate case on the road to the Gonzaga School of Law Moot courtroom. After court was finished, Hunter came up and introduced himself again. During our conversation I was reminded of his Inchelium background. I was impressed then with his poise and intelligence. Since then I've had the opportunity to keep in touch and then work with him on several tribal appellate cases.

Growing up in Inchelium does not necessarily give you a lot of opportunities to prepare yourself for work off the reservation. Like many tribal communities, it is a challenge to attract good teachers to work in such an isolated school. However, even with the limited resources, many talented students have utilized the few opportunities to grow and flourish. Hunter is definitely one of the few. He learned a wonderful work ethic from his parents and grandparents. Everyone who knew the family knew that they were people you could count on to help out in times of trouble, who were known to do the right thing, and to be a friend you enjoyed spending time with. The wonderful thing about growing up on the reservation was learning to adapt, to appreciate what you have, and that hard work and diligence will open up opportunities you thought you could only dream of.

Hunter took those skills and background and used them to his advantage. He went to a very prestigious college and gained a solid education. He also gave time in the military at a time when there were few compelling reasons to enlist, other than his need to serve his country. About this time Hunter asked me to write a letter of support so that he could attend Georgetown University for his Masters of Law. My only condition to write the letter was that when he graduated and went to work in his chosen field, that he would work with Tribal Courts, if the opportunity arose. He has honored that request fully. When he returned to WA, in addition to his regular workload, Hunter sought out some tribal courts and volunteered to help them out. He has been working with various tribal courts since then. I have been lucky enough to have sat with him on a number of appellate cases.

There have been times when Hunter and I have found ourselves on opposite sides of an argument. I have found that Hunter does an excellent job of listening to my side and then giving sound reasons for his side. He is an excellent debater and does so with a calm and intelligent manner. If an argument is made that changes his mind, he will change his mind without being petty about it. If he prevails in his argument, he moves on without making the person feel inferior. I think we are 50-50 in convincing each other that we are right. I am always proud to put my name next to his on any appellate decision we make as I know we made a thoughtful and informed decision.

Hunter has a very good judicial attitude and has grown in the many years that I have known him. He works well with others and is skilled in negotiations, with high ethical standards. When there is a question about the law, he is the first to pull out the Code and research it so that we are making law with informed decisions. I know that the litigants before him are given ample opportunity to have their day in court and their due process. He is respectful of everyone and commands respect for everyone appearing before him, without coming off as a tyrant. Not an

easy task. He comes off as a very amiable fellow, but below the surface is a steel will, which is due to his extensive military background, I am sure. Command by example. I am very grateful that someone of Hunter's caliber is helping tribal courts improve their standing in the legal communities.

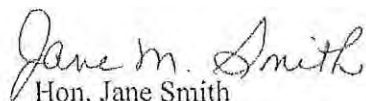
Hunter has landed a home with a very prestigious law firm in Seattle. Luckily that firm has recognized the special person he is and has allowed him to work outside the box in helping the communities he interacts with. There are not that many firms who would allow someone to do work that doesn't directly compensate them. I believe that they understand that Hunter's work ethic and high standards ensure that they get their money's worth and that his community presence reflects positively on their reputation. That they would allow him to work, not only with tribes, but be able to do all the extra volunteer work that he does, I feel, is a great testament to their global vision.

I was Naval Reserve for several years and I know the commitment it takes to do your job and do your duty. Hunter, I feel, has committed his life to the service of his fellow person. His assignments to duty reflect the responsible person that he is. He has attained a high rank in the Naval Reserve which requires a high work ethic, intelligence, and commitment to his fellow Navy servicemen. You don't attain the rank he has by just doing your time. Hunter always gives extra over what is usually expected. In addition, his family is very important to him. He is very proud of his girls and it doesn't take much to encourage him to share a photo or two. I think he has worked hard to have a good balance of work and home.

I know that Hunter would be a very positive presence as a BOG member. He has a very diverse background and a solid work ethic. He works well with others, stands firm when he needs to, but is not afraid to listen to another's logic and give it serious consideration. I've worked on several boards and I feel confident in saying that I would not hesitate in being on a board with Hunter. I hope that you feel the same and welcome Hunter as a new BOG member. The WSBA will be a better organization for doing so.

If you have any questions, please don't hesitate to contact me.

Sincerely,


Hon. Jane Smith

Colville Tribal Court of Appeals



COWLITZ TRIBAL COURT

31555 NW 31st Avenue
Ridgefield, WA 98642
Tel: (360) 727-2119

February 20, 2019

Washington State Bar Association
ATTN: Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

I am writing in support of Hunter Abell's appointment to the Washington State Board of Governors.

As the sitting judge for the Cowlitz Indian Tribe, it is important that people are respectful of the Native culture and in my dealings with Hunter, he has always shown a great deference to the Native Culture.

I have known Hunter for approximately five years and have worked professionally with him on the Quinault Indian Nation Court of Appeals. Hunter grew up on the Colville Indian Reservation in Eastern Washington and although Hunter is not Native by blood, he possesses the upmost respect for the native communities. He is respectful to all litigants who appear before the Court and is always looking to give people access to the judicial system. Currently, he is the judge for three native communities which speaks volumes on how respected he is. If there is a cultural event that people must attend, he is always willing to accommodate individuals and suggest alternative ways to hear cases and allows litigants to be heard. He works as a team playing to get the work done but allows everyone a chance to be heard.

I wholeheartedly and without reservation recommend Hunter Abell for the Board of Governors.

Thank you.

Sincerely,


Hon. Christine Pomeroy
Cowlitz Tribal Court Judge

Christine Pomeroy
Ret. Thurston County Superior Court Judge

February 20, 2019

Washington State Bar Association
ATTN: Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

I am writing in support of Hunter Abell's application for the WSBA Board of Governors.

As a retired Superior Court Judge and now an active Bar member, I have interacted and worked with many lawyers. Hunter is among the best, he is respectful and courteous to all parties and litigants, but at the same time an advocate for his client.

Hunter wears many hats, Court of Appeals Justice, member of a large Seattle law firm, and a commander in the U.S. Navy Reserve. He interacts with many different people of diverse backgrounds and always puts people at ease yet gets the job done.

His dedication to promoting the bar association in the community can be seen by his services as a chairperson of both the Indian Law Section and the Professionalism Committee.

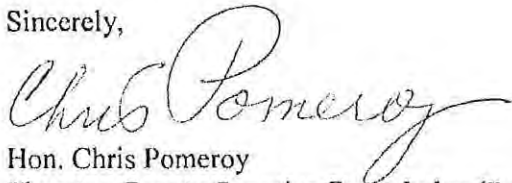
His ability to work with others is one of his best qualities. He is always willing to undertake a task for the greater good.

I urge you to give great consideration to the application of Hunter Abell. In my opinion, he is an outstanding lawyer an exemplary example of a person willing to give of himself to better the legal community.

I wholeheartedly and without reservation recommend Hunter Abell for the Board of Governors.

Thank you.

Sincerely,



Hon. Chris Pomeroy
Thurston County Superior Court Judge (Ret.)

Brandon Nishijo
2129 Maltby Rd. C-102
Bothell, WA 98021

February 19, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support

Dear WSBA Board of Governors:

I write this letter in support of Hunter Abell to serve on the Washington State Bar Association Board of Governors to represent the 1st Congressional District.

Hunter is half of the reason I am where I am today. Without his guidance and advice, I would be in a far more stressful not to mention dire situation. When I first met Hunter I was facing some pretty serious charges and was so confused and scared to go through this process. I had a few meetings with him to kind of get a sense of what to do. Through one of our phone calls he offered to help and be my lawyer. After the initial hearing Hunter was able to find the TAP program for me. He got me all of the resources and everything I would need to be able to apply and later be a part of. Through the TAP process it has meant so much for me and my family to be given an opportunity like this. The program has helped me to open up and talk about things and to really work through issues big or small. Things that I used to be anxious and scared of talking about or feeling have been helped by this program and Hunter! He checked in monthly to see if I needed anything, and to make sure the program was going well. All of his support through this process has been a huge blessing in mine and my family's lives. I no longer have to look over my shoulder at a conviction. I get to move forward with a clean slate after the TAP program.

Hunter works to serve and be there for those in need, and there are no words to really tell what Hunter has done for me and the amount of dedication he has shown is not only heard but shown in his actions and the distance he goes for a passion of law and service. Hunter has walked me through every part of this process from start (initial court date) to finish (ending of tap/last court date). In conclusion I think he would be an amazing addition to your board.

Thank you.

Sincerely,
Brandon Nishijo



23804 3rd Pl. W.
Bothell, WA 98021
ktzanda@comcast.net

4 March 2019

Board of Governors
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Hunter M. Abell
District 1 Position
Letter of Recommendation

Dear Board of Governors,

We are pleased to offer our support of Hunter M. Abell for the District 1 Position on the Board of Governors for the Washington State Bar Association.

We came to know Hunter the day after a very stressful night when our son, Troy, an active duty Ensign in the US Navy, was served antiharassment paperwork by two Bothell uniformed police officers Wednesday evening, 17 October 2018, from his former girlfriend.

Troy was in the middle of what became an eight-month deployment on USS Anchorage, when he came home to attend the funeral service for his older brother's unexpected passing.

Troy's leave was ending and he was required back in San Diego on Friday, 19 October to start the process to join USS Anchorage as the ship continued its deployment.

In the midst of our grief over our older son's passing, we were now filled with anxiety and stress over how to respond to this legal matter in the very compressed time before Troy returned to San Diego.

We met Hunter through an introduction from a friend at church. Troy called Hunter's office Thursday morning, 18 October. Our conversation with Hunter involving the immediate steps of this legal matter greatly relieved our anxiety. As our discussion continued, we discovered that not only was Hunter a member of our church, and a fellow US Naval officer, but that he had also been aboard USS Anchorage a number of times.

As these commonalities became apparent, Hunter offered to represent Troy pro bono, and of course, Troy accepted.

Subsequent contact was primarily through email. Early on Troy gave permission for us, as parents, to be included in email. Troy flew to San Diego to begin the transit back to USS Anchorage and we helped as needed.

We were very pleased with the frequency and detail of email communication. Even though this was a pro bono legal service, we felt Troy was very well taken care of.

The court date eventually came and events transpired as indicated by Hunter that they would. No protection order was filed against Troy and he was free to finish his deployment without this legal issue weighing on his mind.

Hunter really came through for Troy and our family at what was a very difficult season of loss. He guided and managed us through this legal process and ultimately produced a result we were all extremely happy with.

We are truly grateful for his help.

Sincerely,
Troy, Zan and Alan Moens

March 11, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support – Hunter Abell

Dear WSBA Board of Governors:

I write to support your consideration of Hunter Abell to serve on the WSBA Board of Governors. Hunter is currently representing me in pro bono in a case involving a local tribe. Hunter is a blessing for me. I could not have done anything without Hunter. I sincerely thank you.

Thank you.

Sincerely,

James King

March 14, 2019

Washington State Bar Association
Board of Governors
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

Re: Letter of Support

To whom it may concern:

I write to strongly support your consideration of Hunter Abell to serve on the WSBA Board of Governors. I have known Hunter for nearly 30 years. We grew up together in Inchelium on the Colville Indian Reservation in Ferry County. Inchelium is a small town, and everyone knows everyone. After we both graduated from Inchelium High School, we stayed in intermittent contact as we both pursued careers and families.

During all the time that I have known him, Hunter has repeatedly shown himself to be a man of honor and integrity. I had the opportunity to work with him on a couple of legal items over the last roughly ten years. On both occasions, Hunter represented me without charge. I was very grateful, particularly as I was in the process of just starting my own business.

I believe the WSBA would be well-served by having Hunter serve in its leadership. I am happy to provide any further information you may need.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Casey Johnson", with a stylized flourish at the end.

Casey Johnson
Caseyj30@me.com

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Dan Bridges
DATE: May 9, 2019
RE: Stakeholder Input re Recommendations from Civil Litigation Rules Drafting Task Force

First Reading: BOG Committee report on direct stakeholder input re recommendations from Civil Litigation Rules Drafting Task Force.

Several years ago the Board created the Escalating Cost of Civil Litigation task force (ECCL). Its charge was to examine the cost of civil litigation and make recommendations to the Board. The ECCL divided litigation concepts into groups (discovery, mediation, etc.) and provided suggestions by category for the Board's approval.

The Board considered those recommendations by category and voted to approve, reject, or approve them with modification.

The Board created the Civil Litigation Rules Drafting Task Force to draft rules consistent with the Board's vote on the ECCL recommendations. The charter of the Task Force required final rules to be returned by a deadline for the Board to consider for final approval.

The Task Force took as its charge the duty to draft rules consistent with the Board's vote. It did not second guess the wisdom of the Board's vote. It drafted Rule amendments it felt would implement the Board's vote. In taking stakeholder input the work group considered input on how proposed Rule amendments would implement the Board's vote but did not give weight to stakeholder input to the effect that no Rule was workable, having been attempted. Said more directly, the work group considered input on how a Rule would be drafted, but not whether the Rule should be changed. The Task Force stated that the Board already decided to draft a rule.

The intention of the process, as with all Board processes, was for the proposed Rule amendments to come back to the Board for final approval. What is approved by the Board is sent to the Supreme Court for its own Rule making process.

As with any WSBA process, the Board is the final decision maker. The Board under its bylaws delegates complex tasks to workgroups or committees but those workgroups and committees are doing the Board's work.

When a task is sent to a committee or workgroup with a return of work product to the Board, the Board always retains authority and discretion to adopt, reject, or modify the final work product. For example, going on two years ago the Board voted that it wanted to implement mandatory malpractice insurance. It created a workgroup to study what that would look like and return a report. But now that it has, the membership have elected new Governors with different perspectives and it appears despite the prior Board's vote, the current Board as voted in by the membership is set to modify or reject it. That is the Board's prerogative.

To bring that back to the ECCL and the Task Force, the Board's role upon the return of rules is to determine: (1) do the Rule amendments implement the Board's vote; (2) does the Board believe, now seeing a Rule drafted, whether the policy value the Board originally wanted to implement by this prior vote actually work as a Rule – the: “it seemed like a good idea at the time but now with a Rule we see it either does not work or makes the problem worse.”

That is always the Board's function. If it was not, committee and task force work product would not be returned to the Board for approval. If it was not, the final work product would simply be implemented. That is not done because that is not the process.

The Task Force asked for at least two extensions of its work product deadline. The deadline was originally determined so the Board would have ample time to consider the proposals and take member and stakeholder input. However, with the extensions there was no time left before the Court's next rule making session. Also, the Board had no “first read” as is tradition and expected by the members. Due to scheduling, the “first read” was an approximately 10 minute presentation by the work group chairperson without time for a single Board or member comment or question. Thus, when the rules were presented for approval at the next meeting there been no opportunity for direct stakeholder or board input.

Various stakeholders communicated to the board there disagreements with some proposed rule amendments. Some of those disagreements were directly challenging the need for any rule at all, arguing that with a rule now drafted it created more harm than good. Some of those disagreements were on how the rules were written. As identified above, the Task Force believed it could not consider the first type of input believing it is hands were bound by the board prior vote.

A motion was made to table approval of the proposed amendments to allow time for the board to take direct stakeholder input that for whatever reason may not have been considered by the Task Force. A small committee was formed to take direct stakeholder input and present that to the Board.

The present intention is to present that input at the May board meeting and depending on the direction of that conversation determine action in July. Whether that action is to approve the rules, consider changes, or reject some issues is for the board to decide.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

Dan W. Bridges, Governor District 9

WSBA Treasurer, 2018-2019

September 24, 2018

Mr. Kenneth Masters
Masters Law Group, PLLC
241 Madison Ave North
Bainbridge Island, WA 98110-1811
By email only to ken@appeal-law.com

Re : Proposed Civil Rule Amendments

Dear Mr. Masters:

Words are insufficient for me to adequately thank you and your workgroup for the time and effort given to this project. WSBA cannot perform its work without the contributions of members such as yourself and the workgroup. And as words are insufficient, I will say that only here but ask that you bear my thanks in mind below. That I have disagreements or concerns does not diminish my gratitude for your effort. We are all striving toward the same goal: the service of the profession, our clients, and the public. I rely you and your workgroup will take my comments in that spirit; not personally, but as observations in an effort that will ultimately be the work product of all involved.

I have serious concerns over core aspects of the proposed Civil Rule amendments both as to substance and timing that I will describe below. However, much if not most of this letter is directed to the Board of Governors. I do take issue on two counts of actual drafting but the majority of my concern is directed toward timing and larger policy values.

To the Board: there are some who will say you have no role of input or even place to comment on these proposals. They will say your role is only to say thank you and pass these Rules along to the Court. That is patently incorrect. If that was correct, these Rules would not be coming to us at all. Matters come to us because we have a duty to evaluate, exercise independent judgment, and make a decision.

The Board's role at this point in the process is three-fold; it is our duty to evaluate: (1) Do the proposed rules effectuate the policy values the prior Board previously affirmed and asked the workgroup to prepare Rules on; (2) now that proposed Rules have been prepared, do we see that the policy desired is even obtainable by a Rule; and (3) is there a need for improvement or change in the draft – not for us to make but to send back to a workgroup to address.

Those who will argue you have no role will suggest that if you do anything other than pass the proposals along to the Court you will be paying a disrespect to the members that spent many hours preparing them. We pay no disrespect to others by our doing our job. We do an injustice to both the



process and our members when we abdicate our role. Unless those who make this argument are willing to say feelings are more important than preparing a proper rule, this argument is without weight.

This Board is not a rubber stamp.

The workgroup in good faith asked for two continuances of the deadline to deliver these Rules. It did so because it acknowledged getting the Rules “right” was more important than getting them done quickly to meet an arbitrary deadline. But having asked for two continuances, we have no time to make our own evaluation or take member input.

These rules are being rushed to meet a Court deadline for submission. We should pass these rules to the Court when they are ready to be passed. Not before. WSBA must stop making the same mistake repeatedly by not giving our members a meaningful time for input. A response that the ECCL took years and this workgroup has been working for months is no response. We know our members see their time to respond as being after a final draft is prepared. That is exactly why we present things for a “first read.” Here, our first read was five minutes at our last meeting and neither this Board or the members were allowed to ask a single question.

I am not suggesting rejection of these proposed Rules. Instead, I urge that we table this as an action item, create a small Board of Governors oriented workgroup to take direct member input, report that back to the Board, and then this Board may make an informed decision to either approve, reject, or send these proposals back with guidance for changes. We are drafting Rules to last 50 years. It makes no sense to rush over a period of months. We pay more disrespect to the work of members who have spent hundreds if not thousands of hours working on the ECCL Task Force and now preparing these draft Rules by rushing this at the very end versus paying their work the respect it is due by taking the time necessary to perfect these proposals before sending them to the Court.

Some Proposed Amendments Will Increase The Cost of Litigation And Harm Already Injured Members Of The Public

A. IMPOSING A COOPERATION REQUIREMENT WHILE NOT DEFINING THE TERM WILL INCREASE THE COST OF LITIGATION, CHILL ZEALOUS REPRESENTATION, AND CAUSE UNCERTAINTY IN THE PROCESS

This Board asked your workgroup to draft a cooperation Rule. However, your proposed Rule provides no definition or guidance as to what cooperation is. In our phone conversation this week you explained it is not appropriate in the context of a drafting a rule to define this type of term; you said that we all know what the word cooperation means.

After our call I gave that more thought and consulted our current Rules. I suggest our present Civil Rules demonstrate the error of not defining the term and an inconsistency in the reason given for not doing so.

CR 11 imposes a duty that closely mirrors the proposed cooperation Rule. Yet, CR 11 provides a detailed definition of what constitutes a violation. Indeed, it could be said the entire Rule is one very long definition of what CR 11 is. I do not want to quibble over semantics. Perhaps you need not provide a “definition” of what cooperation is and call it a “definition,” if that is the friction point. However, throughout our Civil Rules there is detailed explanation of what is in and out of bounds in terms of the language used. CR 11 provides substantial context within the language of the Rule as to what it actually means to not comply with CR 11. CR 37, our discovery sanction Rule, does the same thing. The proposal on cooperation does not. Thus, I suggest the notion that not defining what is a critical term and will no doubt be the source of many motions is not consistent with our current Rules and is problematic even if that was not true.

The decision to draft a Rule requiring cooperation but not defining (or otherwise providing substance) what it means does not mean the term will go undefined. It will be defined: by the Court of Appeals and the Supreme Court after many appeals and many different cases. Far from decreasing the cost of litigation, not defining the term will increase it substantially for many parties.

In terms of the Rule as drafted, and ignoring the lack of definition, I suggest it would benefit from greater refinement. I also question that, now drafted, the Board should appreciate it may not be the proper subject of a Rule at all. The latter concern is clearly no issue with your workgroup. I will address it below.

However, on the issue of further refinement, I asked you in our phone call if there were other states’ rules we could look at for an example. If I understood you correctly, you conceded there were none. No other state has codified a “cooperation” requirement. I ask whether we should consider the fact that out of 49 other states, the reason not a single one has adopted it is because while a laudable goal it does not work as Rule carrying sanctions as the draft Rule does.

You pointed to the Federal Rules as a model. However, a word search of FRCP 26 does not reveal the word cooperation. The Local Rule for the Western District uses the term “cooperation” in the context of following the other more specific Civil Rules to “reasonably limit discovery requests, to facilitate the exchange of discoverable information, and to reduce the costs of discovery.” See LR 26(f). However, nowhere in either the Federal or Local Rules for the Western District can I find an unattached “cooperation” requirement much less one that could lead to sanctions as the draft allows. Federal Rule 37 uses the word “cooperate” in its title but it does not appear in the actual Rule. Sanctions are issued for failing to follow the Rules.

Thus, under the Federal Rules “cooperation” is only an adjunct to the more specific requirements of the Rules. Parties must “cooperate” in following the Rules.

If the draft Rule mirrored the Federal Rule I might have no concern. However, this proposal is materially broader. As drafted, the parties must both follow the Rules and follow some type of undefined concept of “cooperation” which ostensibly would be decided after the fact; and if they do not, they can be sanctioned. Thus, the draft is: follow the Rules plus cooperate or be sanctioned rule. Under the Federal model, it is cooperate in following the Rules.

A wide variety of litigation discovery is intensely rule driven; for example: multiparty construction defect, employment law, toxic torts, class action, etc., all have unique customs and practices that are accepted within that subject area but would be deeply offensive and uncooperative if attempted in others. As only one example, it is de rigor in large, multi-party construction defect litigation to unilaterally send depositions notices. Doing that in a basic personal injury case would be the height of failing to cooperate.

Not defining what cooperation is, or again if the word “definition” is a friction point not providing any context as to what it means within the Rule, will put well meaning jurists who may have no experience in a given subject matter area as either judge or attorney in the position of imposing their own subjectivity on the parties. Both the bench and parties need clarity in the Rules. They must be able to rely on what is in, and what is out, of bounds. The Civil Rules provide clear boundaries. CR 11 and CR 37 provides clear boundaries. A cooperation requirement must as well.

Creating uncertainty will chill zealous representation. An undefined notion of cooperation, even if limited to discovery, will chill creative and energetic representation even within the Rules if an attorney staying within them can still be sanctioned. I understand you believe the Rule will not tolerate a sanction if a party follows the Rules. I am grateful you said that. But your draft Rule does not say that and you will not be present at every discovery motion to explain that. Respectfully, divorced from pride of authorship, I do not read the proposed Rule in the manner you explained to me it was intended. That is another reason why it is critical to provide guidance on what cooperation means in this context consistent with CR 11 and CR 37.

Those are the issues, as I see them, with the rule as drafted

To the Board: a cooperation requirement is a great idea. I am enthusiastically in favor of cooperation. But it is poorly placed in a Rule. To be blunt, it is an attempt to legislate good behavior. We should not ignore that no other State has such a rule.

We all wish litigation was more civil and more cooperative. I do not fault the policy value being sought. However, at the end of the day we must understand and accept litigation is by its nature an adversarial process. Indeed, it is only by an adversarial process may we rely that the final output of any one case will be justice.

This was an excellent policy value for a prior Board to ask that a Rule be attempted on. Perhaps there is still a sufficient turn of phrase available to accomplish it. This proposal however does not.

I urge this Board to give very heavy weight and consideration of our subject matter experts. Our members of the Bar who only practice litigation – in trial. I urge you to consider closely the input of WSTLA, WDTL, and our litigation section which have material concerns over this proposal not merely as an original policy value adopted by a Board whose litigation experience does not appear to be as broad as the current Board’s but also in terms of how this Rule implements that policy value.

If a requirement of “cooperation” is to be retained, I strongly urge that we return this to the workgroup to provide the same type of context as to what cooperation means as CR 11 and CR 37 do. To not provide the Courts and litigants the same level of guidance as CR 11 and CR 37 is not well taken for the reasons described above.

B. THE CONCEPT OF COMPELLED, EARLY MEDIATION IS BASED ON A FALSE PREMISE

THE WORKGROUP DEPARTED FROM THE DIRECTION OF THE BOARD BY DRAFTING A DEADLINE TOO EARLY

THE PROPOSED RULE WILL INCREASE THE COST OF LITIGATION AND LEAVE INJURED MEMBERS OF THE PUBLIC UNDERCOMPENSATED

This Board approved the ECCL report’s recommendation of early mediation. That report defined “early” as mediation after party depositions are completed. That had some elegance. Given the facts of any one case, when “early” ADR takes place will be different. In simpler cases it will be sooner and more complex cases later. In that respect each case would determine its own unique deadline based on the specifics of its own facts.

Despite that, the workgroup drafted a hard ADR deadline of 6 months before trial which is difficult to read as not being contrary to this Board’s direction. For context it should be noted the current standardized ADR deadline, referring to the King County Local Rule, is 4 weeks before trial.

The workgroup provided some exceptions to extend that deadline – all of which require a motion to prove up and then left to the discretion of the Court to grant. That will increase to cost of litigation; not decrease it.

I have many concerns. But let me be clear: my concern is not directed to your work group at all (other than drafting a deadline earlier than what the Board directed). You did your level best to draft a rule as requested. Thank you for that. I cannot say that strongly enough: this is not directed toward your workgroup. This is instead an example of what I identified above: a reasonable policy objective desired by a prior Board but once reduced to actual Rule language should be acknowledged as unattainable. Or at best, a Rule that should be sent back for further refinement.

First, I respect that “early” is difficult to reduce to a Rule but this Board already directed what “early” should be: not before party depositions. But ignoring that, 6 months is too early even if the Board provided no guidance. To paraphrase the great Justice Stewart of the U.S. Supreme Court, I may have personal difficulty describing what too “early” is but I know it when I see it and 6 months before trial is far too early. That is both my visceral reaction as an active litigator and the amalgamation of the issues identified below.

Second, a six month deadline with an opt out process requiring a motion has the opposite effect

of reducing the escalating cost of litigation. I submit many if not the vast majority of cases will pursue that opt out procedure and be put to new motion practice never before required. That is a burden on both the litigants and the Court. A response the parties can jointly move is not responsive. That may happen in some cases but will not in all and even an agreed motion is time taken by the litigants and Court to resolve.

Perhaps the solution is as simple as requiring a certified disclosure statement, exactly as we already do in MAR, where the plaintiff must certify the value of the case either does or does not exceed a given threshold to subject it to mandatory ADR. We accept that in MAR and it has worked for years. Not motion is required. Perhaps this entire issue is resolved by imposing that as a gateway. Did your workgroup consider that. This is another excellent illustration of why this process should not be rushed.

Third, a six month deadline will indeed make some cases settle earlier. But it will do so at the cost of injured members of the public. It is routine that complex injuries such as latent brain injuries, disc injuries, etc., only manifest themselves after an extended period of time. It is not unusual for health care providers to miss those issues. What might at first by all indication be a basic injury is at times a lurking disc problem, treated as a soft tissue injury until it persists. Head injuries and subtle cognitive dysfunction are written off as headaches or job stress; that can be true for a year or more. Experience attorneys often spot those issues before clients' doctors but that is typically not until well into the case. That is even more true when a client finds their attorney quickly after an accident.

Forced, early ADR will result in settlements of only what is known at the time while the greater injury is yet unknown. As an example, I have a complex injury case right now where my client retained me very quickly after the loss. His cognitive problems, which are now understood to be profound and life altering, were not appreciated for more than a year after his accident and 1.5 years after we filed suit because it took that long to get him past his back injuries. Early mediation might have resulted in a settlement based on his back injury known at the time but he would have suffered uncompensated, unable to afford treatment for his cognitive problems which will be life long but were appreciated only much later.

In that context, forced early ADR is a gift to the insurance industry paid for by injured members of the public.

Fourth, it is folly to believe 'that if we can only get the parties to mediation, the case will settle.' I heard that stated repeatedly when the Board adopted portions of the ECCL report and at your workgroup meetings. This is the false premise I alluded to earlier and after speaking to many, many attorneys who only actively practice civil litigation to a person it gives rise to rejection.

I assure you having represented insurance carriers for over 20 years and essentially only plaintiffs for the last 5 years, carriers have as much of an incentive as plaintiffs to settle as soon as possible. Adjusters are often rated negatively on how long claims are open and positively for closing files. There is the rare exception but contrary to what some believe there is no insurance industry conspiracy to drag out litigation a day longer than necessary; carriers want to decrease the cost of litigation as much or more than the plaintiff's bar. Plaintiffs' counsel are already highly incentivized to

settle as soon as possible; for a case that only has a given value the more they litigate the less they make.

What is generally either not known or otherwise minimized unless you actively practice insurance defense is insurance carriers simply cannot, as a matter of auditing by both internal auditors and state insurance commissioners, settle cases before certain discovery is complete. Even an adjuster and defense attorney who “know” what the case is worth and want to pay it the day after service of the summons and complaint cannot do so until the claim file can justify it. That is compelled by strict claim file audit requirements imposed both by State insurance regulators and internal claims controls. An audit of a file where an adjuster paid without proper documentation in the file is viewed as an “overpayment” and can have serious negative consequences for both the adjuster personally and regulatory for the carrier leading to fines for failure to maintain proper reserves. Forced, early ADR will not result in cases settling any earlier than they are ready to settle. What the ECCL and the prior Board gave no or insufficient weight to is desire and opportunity alone do not settle cases.

Fifth, often the litigation process itself adds value and cutting it short will result in injured members of the public going undercompensated. And when I say value, I mean that both ways: for the plaintiff increasing value and the defense lessening it. It is often true that additional depositions, beyond party depositions, reveal critical evidence. A case may have a fair value one day but after non-party depositions the value changes. I will not take your time with war stories but on the plaintiff’s side, in a case several years ago my client would have gladly accepted a settlement in a bad faith case for \$2 million if offered early on but later obtained a settlement close to \$13 million after substantial discovery. While those are large numbers, the percentages hold true for smaller cases. Plaintiffs may take early, easy money but we force that on them at the expense of losing full compensation. Premature mediation is a false lure dangled in front of both the client who may be cash strapped and an attorney willing to cash out.

Sixth, of the cases that do not settle at mediation, it is rare a second meditation is held. Particularly as to small’ish cases, say under \$200,000, the parties simply will not spend the money on a second mediation. I would not in either my defense or plaintiffs’ cases. And frankly, I suggest this is the most perilous issue arising out of this rule which should have been identified first but logically falls here: **Cases that may well have settled with an appropriately timed mediation but did not with a premature early one will not mediate a second time and that will compel even more cases to trial.** Again, this will increase the cost of litigation not reduce it.

Seventh, the rule is paternalistic. Again, this is not directed at your workgroup. This is a comment addressed to the Board as a larger policy issue. As discussed above, parties are already incentivized to settle cases at the earliest opportunity. By imposing a six month ADR deadline without regard to the facts of any one case, we are saying to parties and their attorneys that we know their cases better than they do. With the current 4 week pretrial ADR deadline parties can and routinely do settle cases well before that. Forcing ADR before the litigants who know their cases have determined is the best timing to reach settlement says we who know nothing of their case know more than they do. We say we do not trust either the attorneys or the clients.

Without question some cases will settle earlier. Some, properly so. However, medium’ish cases

(say under \$300,000 but more than \$100,000) will not settle “early” and will always seek to opt out by motion which again moots the purpose of the rule and increases the cost of litigation by draining party and judicial resources by requiring a new motion. Clearly larger cases will always opt out. Thus, this Rule might benefit only a very small subsection of litigation while imposing its burdens on all cases.

The more likely result of the Rule will be cases settling before their full value is realized (either because the client’s injuries were not fully manifested or the litigation process had not yet run its course to bring full value to the claim) or failed mediations because the parties although willing to try it, simply were not ready and the case does not merit a second mediation. **We will either (1) trade perceived expediency for full compensation and the most vulnerable will pay the price or (2) force more cases to trial because of early, failed mediations.**

I suggest that assuming some form of “early mediation” rule can be achieved, more work needs to be done. Indeed, I respectfully suggest that mandating a certification of ADR value like we already do in MAR as I suggest above could well moot most all of my concerns. But if the current draft is the best rule possible, we should realize forced early mediation is not tenable. The proposed rule will increase the cost of litigation and any savings will be borne by injured members of the public. In either event, the currently proposed rule should not be adopted.

C. IMPOSING A STATEWIDE CASE SCHEDULE WHILE NOT PROTECTING AGAINST ITS ABUSE WILL INCREASE THE COST OF LITIGATION AND SLOW THE RESOLUTION OF CASES

Consistent with the Board’s direction you drafted a statewide case schedule requirement. It is excellent. Great work. Thank you. I do identify one issue however.

As only one or two times I substantively weighed in as your liaison on the substance of a rule, I explained the dynamic present in King and Pierce Counties, where there has long been a case schedule, of parties hiding behind case schedule deadlines to not disclose discovery – most notably on expert witnesses. I think I may have only one case in my entire inventory where I did not receive the response to an expert witness question that “experts will be disclosed in accordance with the case schedule.” I have received that type of response from both plaintiffs’ and defense attorneys.

As one example, in a recent and more substantial case I filed a motion to compel having received as a discovery response that experts would be disclosed “in accordance with” the case schedule. The defense protested in our discovery conference it had no duty to disclose until then. In response to the motion to compel the defense protested it supposedly had not “decided” yet whether to use the expert. The Court denied my motion. After the case schedule deadline passed I was given the expert’s report, written months earlier, that was so powerfully defense oriented on the core issue in the case that clearly defense counsel “knew” they were going to use that expert the day the report was received but used the case schedule as a weapon to delay discovery. Its being withheld slowed discovery, increased our costs, and delayed resolution of the case. In smaller cases, a motion is generally not justified due to costs although the same game playing takes place.

That does not happen in counties with no case schedule. When you take away the shield of a deadline to hide behind, generally speaking you get an answer.

To address that I asked your group to include one simple line in the Rule to the effect of: case schedule deadlines are not safe harbor and all discovery must be answered as propounded. Your final draft does not address this issue. I remain unclear why the workgroup declined to give this issue any weight.

Granted, no Rule language will deter someone determined to act poorly – which is yet another reason why a “cooperation” requirement will not cure any ills. But if we are to impose case schedules statewide, we must do so in a manner best calculated to minimize negative effects. Not doing so will delay discovery and increase the cost of litigation. Worse, this has a synergistic effect in a negative way with a Rule mandating ADR 6 months before trial. Parties will be forced to early ADR while discovery is being tactically hidden by the case schedule with an expert witness disclosure deadline after forced, early ADR.

2. More Time Is Required For The Board And Members To Provide Input On The Proposed Amendments

As outlined above these proposed amendments were presented only in July. The Board had no time to ask questions, raise concerns, or even discuss them as a Board much less take member input. Now the amendments are being presented for final approval at our next meeting in September.

As I understand it, the reason for this rush is to make the Supreme Court’s rule submission deadline. If the proposals are not approved by the Board in September, the Rules will have to wait until the next Rule submission deadline to forward them to the Court.

This Board imposed a deadline for these drafts of approximately four months ago. That was done knowingly, with consideration of the Court’s rule making deadline, because it is was necessary to build in time for the Board to consider the impact of the proposals among itself and more importantly to take comment directly from the members. Your group asked for two continuances of that deadline. I asked this Board as your liaison to grant those extensions. They were granted for good reason: it is critical we get these amendments right – not fast.

However, the calendar is what it is and having asked for two continuances there is insufficient time for the process to be completed as it should be before the Court’s rule making deadline.

The answer to that is not to push ahead anyway and approve Rules before their time. The answer is to continue this process.

I appreciate your group sought the input of what is euphemistically referred to as “stakeholders.” Thank you for that. That was wise and appreciated.

However, your workgroup's outreach is no substitute for the work of this Board both internally and directly with the members.

For instance, it is my understanding the litigation section raised a variety of objections and concerns with your workgroup over both how certain amendments have been framed and taking issue with the original policy decisions of the Board in its partial adoption of the ECCL report. I understand you considered their input but you candidly admit your workgroup made changes to address some but not all of their concerns.

Your group concluded it could not consider input (such as from the litigation section) that directly criticizes the Board's original vote partially adopting the ECCL report – you believe your marching orders were to draft rules as directed. I understand that. That is perfectly reasonable.

However, this Board can reconsider the merit of the previous policy decisions now that rules have been proposed. Indeed, this Board is duty bound to do so: if after having seeing rules drafted to implement those policy goals the Board determines the proposed rule is not workable, does not achieve the stated goal, or perhaps makes the original problem worse, this current Board is required to act. That is what the Board's role in this process is. If it were not, your report would be being delivered directly to the Court and not this Board.

I say the following more to Board than your workgroup: the Washington State Bar Association's rule making process does not merely contemplate – it compels as an aspect of our Rule making process – that the Board make the final decision on whether to approve and forward proposed Rule amendments to the Court. Pursuit of a time line that reduces this Board to nothing more than a rubber stamp disregards the process. It effectively abdicates the Board's role and duty to the Workgroup. It is no Board process at all.

This Bar works and considers matters on the order of tens of years – if not longer. Rushing over a period of months makes no sense. I want this workgroup's efforts to be remembered fifty years from now as a giant leap forward. I do not want this process remembered as the bearer of unintended consequences.

For those reasons Mr. Masters I urge you to join me in asking the Board to continue its consideration and not take a final vote in September. We should be able to jointly present these proposals to the Court with the ability to say everyone, your workgroup, this Board, and the members honed them to their very best condition. I respect your pride of authorship and that your workgroup already believes these are the best Rules possible. If not, I anticipate you would not be presenting them. But I ask you to consider the larger picture and process as well.

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Mr. Kenneth Masters
September 26, 2018
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Again, words are inadequate to describe my sincere thanks for your service and that of your workgroup. The members, the public, and dare I say the Court all owe you an enormous debt of thanks.

Thank you.

Sincerely,

WASHINGTON STATE BAR ASSOCIATION
BOARD OF GOVERNORS

A handwritten signature in blue ink, appearing to read "Dan W. Bridges". The signature is fluid and cursive, with a large initial "D" and "B".

Dan W. Bridges
Governor, 9th Congressional District
WSBA Treasurer 2018-2019

cc: WSBA Board of Governors
WSBA Litigation Section

COOPERATION REQUIREMENT

SUMMARY	King County Litigation and Judicial Committee	WSBA Litigation Section	Washington Defense Trial Lawyers	Washington State Association for Justice	DRAW – Domestic Relations Attorneys of Washington
<p>Imposes a “cooperation” requirement the runs across all Civil Rules subject to sanctions if found to not cooperate.</p> <p>No definition.</p> <p>Can be found to not cooperate even if does not violate rule.</p>	<p>Should be addressed by changes to current rules; CR 26(e) should more explicitly adopt CR 37 language</p>	<p>Flawed concept. Rules already impose.</p> <p>If intention is to decrease costs, needs specific definition so “it can be implemented in a consistent manner throughout the State.”</p> <p>Written to impose a subjective standard based on judge’s own opinion. No definition will lead to more motion practice, uncertainty over what constitutes cooperation, and post-hoc judgments. Will not decrease cost of litigation</p>	<p>Needs definition. Ambiguity in what is required will lead to inconsistent results.</p> <p>Imposing an additional sanction rule, in addition to already existing CR 11 and CR 37 sanctions and rules will not result in more cooperation and will lead to more motion practice.</p>	<p>Without a definition there will be inconsistent, subjective results. Ambiguity will lead to more motions.</p> <p>greater “critical issue” is the lack of “enforcement” of current rules. The data in the ECCL justifying this was only “unscientific, anecdotal surveys conducted between 2007 and 2009 by the ABA and WSBA.” The ECCL gave no weight to the same surveys finding the “prevailing common belief... is that judicial enforcement of the Civil Rules” that already exist will “solve the perceived problem.”</p>	<p>No comment made.</p>

MANDATORY EARLY MEDIATION

SUMMARY	King County Litigation and Judicial Committee	WSBA Litigation Section	Washington Defense Trial Lawyers	Washington State Association for Justice	DRAW – Domestic Relations Attorneys of Washington
<p>Hard deadline 6 months before trial.</p> <p>Departs from Board direction to not hold before party depositions.</p> <p>KCLR 4 deadline is 4 weeks pretrial.</p> <p>Can opt out with cause by requires a motion.</p>	<p>No comment.</p>	<p>“Will not have any marked effect on reducing the cost of litigation.” Will become a “check the box” act.</p> <p>In other jurisdictions with this early it has not led to more settlements and leads to fewer as will not mediation a second time.</p> <p>Many ambiguities more specifically addressed in feedback.</p>	<p>Need to be more specific to identify types of cases where may by of assistance versus applying to all.</p> <p>Will possibly lead to settlement in only small cases with undisputed facts. In most cases will deny parties ability to develop facts necessary to properly mediate and “does not support fair resolution of cases” where full facts are known.</p>	<p>Does not oppose general concept of early mediation but the rule as drafted will not be effective and increase overall costs.</p> <p>Whether cases settle “depends almost entirely on whether the adjuster has enough information” and too early of mediation will foreclose that.</p> <p>Changes in pre-litigation assessments “almost never occur” until not only party depositions but also key witnesses and experts.</p> <p>Possible changes are requiring a party to request it and pay for it.</p>	<p>“Opposed to this rule.”</p> <p>A required fee schedule will limit the pool of possible mediators and eliminate pro bono. Is an unfunded mandate on Courts to administer.</p>

CASE SCHEDULE/MANDATORY DISCLOSURES

SUMMARY	King County Litigation and Judicial Committee	WSBA Litigation Section	Washington Defense Trial Lawyers	Washington State Association for Justice	DRAW – Domestic Relations Attorneys of Washington
<p>Requires mandatory disclosures of all evidence, loosely modeled on FRCPs.</p> <p>No supplement duty, includes expert opinions, no language to protect against abuse.</p>	<p>Will increase cost of litigation, is only a box to check. Does not produce “adverse information held by opponent.” Will be a burden on Washington Courts to administer process.</p> <p>Deadline far too early or late depending on serviced date. FRCP works very well and should be mirrored if implemented.</p> <p>A subterfuge to not respond to other discovery. Already abuse with current case schedule with refusal to disclose certain information until deadline. Need language that deadlines are not safe harbors.</p> <p>Scope too large, other problems,</p>	<p>No comment made</p>	<p>No comment made</p>	<p>Does not generally oppose but rule is too broad. Should be limited to substantive evidence and made more clear does not interfere other discovery methods. Proposed deadline too soon. Expert opinions should not be included as not prepared yet. Is primarily a burden on injured plaintiffs, both in cost and ability as experts need discovery.</p> <p>Other problems exist regarding the disclosure on insurance, it is more limited than existing rule.</p>	<p>Needs more clear distinction for family cases. While the proposed rules ostensibly exclude family law, there are some areas that would be within the proposed case schedule which is not workable.</p>



Date: Wednesday, February 13, 2019

To: WSBA Board of Governors

From: D.R.A.W. (Domestic Relations Attorneys of Washington)

Re: **Proposed Amendments to Washington State Civil Rules Pursuant to ECCL Task Force Final Report Recommendations**

Dear Governors:

The Domestic Relations Attorneys of Washington (hereafter DRAW) appreciate the hard work of the ECCL Task Force and their effort to improve the quality of litigation in the State of Washington while also trying to reduce the costs of litigation for the parties. With that in mind, DRAW has reviewed the proposed amendments to the Civil Rules (CR) and respectfully submits the following general comments:

1. Generally speaking, Family Law/Domestic cases were originally intended to be exempt from the proposed amendments. (See ECCL Final Report.)
2. Domestic litigation has unique characteristics. If the intent of the proposed amendments is to reduce the duration and cost of domestic litigation, the proposals should avoid creating new layers of bureaucracy. Family law actions are expected to be concluded within 10 months of filing. However, the proposed amendments actually seem to extend the duration/schedule for family law cases. New and unnecessary deadlines make litigation more difficult and more expensive for both represented and pro se parties. Similarly, discovery is made more complicated by the proposed amendments, not less.
3. Separately, the rules seem to result in an unfunded mandate on small or medium sized counties.

4. Standardizing local practice may be enticing, but each county has unique needs and resources. These needs should not be given short shrift. For instance, Lincoln County does a high volume of uncontested, mail-in dissolutions of marriage. These rules, if amended as proposed, would frustrate the simplicity they seek to promote.

DRAW makes the following specific comments:

CR1 - Attorneys vs LLLTs

The new Civil Rule 1 is limited to parties and attorneys. There is no mention of LLLTs or LPOs. If it is the intent to have the rule applicable to such individuals, it should be made clear.

CR 3.1 – (No Title)

DRAW believes that the rule should be given a “title” as is the case with other rules. For example, “Case Schedule Order and Discovery” is one option. Similarly, any other new proposed rules should include a title for ease of reference and citation.

Proposed Rule 3.1 should exempt ALL RCW Title 26 actions in the same manner as, for example RCW Title 13, rather than randomly select only certain sections for exemption. The current draft does not exempt the following actions despite being part of the consolidated family law courts (Chapter 26.12 RCW):

- Chapter 26.10 RCW - Non-parental custody petitions
- Chapter 26.11 RCW - Non-parental visitation
- Chapter 26.18 RCW - Child Support Enforcement
- Chapter 26.19 RCW - Child Support Schedule
- Chapter 26.27 RCW - Uniform Child Custody Jurisdiction Enforcement Act. (UCCJEA)

Family law actions can be subject to several Chapters under Title 26. For instance, a major modifications of custody fall could under Chapter 26.09 but also Chapter 26.19 (child support) and Chapter 26.27 Interstate jurisdiction). If a third party intervenes, Chapter 26.10 (non-parental custody) and Chapter 26.11 (non-parental visitation) could also apply. The scenarios are numerous. they also include financial aspects that falls under Chapters 26.18 and 26.19.

Reasons for exempting all Title 26 actions:

The uniform creation of new deadlines and bureaucracy, without demonstrated “need” will drive up the cost of litigation rather than limit or reduce costs.

Family law actions are ideally resolved in 40 weeks or 10 months. Applying this rule to domestic cases prolongs the duration of such litigation. The deadlines are also incompatible with domestic/family law litigation.

Early mandatory mediation is similarly incompatible with domestic/family law litigation. For example:

- a. If mediation is mandatory 32 weeks before trial, not only may the case be inappropriate for mediation, the entire court schedule set by local rule to accommodate the local processes may be affected. Examples – Parties in Spokane must mediate within the first 60 days whereas parties in King County must mediate within 120 days. In still other counties, there is no mandatory mediation due to the limited resources in the county but also in some counties the parties may obtain a trial date within 60 days after request. If approved, this rule could force trial out 32 weeks in cases that may otherwise be resolved much sooner and without another layer of costs for the party and for the court .
- b. A strict reading of the language of CR 3.1 seems to require mediation regardless of settlement. We do not believe this was the intent of the drafters but the exception for settlements or other resolution should be made clear.

CR 11 – Signing and Drafting Pleadings.

DRAW approves of the language of the proposed amendment.

CR 16 – Pre-Trial Procedure and Formulating Issues

DRAW has no comment to the proposed rule except that the same language exempting all of Title 26 cases should be included as discussed above at CR 3.1

CR26 – General Provisions Governing Discovery

DRAW recommends bifurcation of the current version of rule from the new proposed sections. There could be a CR 26, which will apply to ALL types of cases including family law, from a new CR 26A, which will not apply to Title 26 (including Committed Intimate Relationships) cases.

In the alternative, Title 26 should be expressly exempted from the new sections to avoid undue cost and bureaucracy, particularly for pro se litigants.

CR 30

DRAW recommends the addition of an Official Comment or specific statements clarifying that cross-examination is permitted during depositions.

CR 31 – CR 53.3

DRAW makes no comment.

CR 53.5 – (No Title re Mediators)

The proposed rule should include a title.

DRAW is opposed to this rule in its entirety. The rule is problematic on many levels. The proposed rule defeats the stated intent of the rule to reduce cost and promote settlement. The rule creates unnecessary bureaucracy.

The proposed rule will result in the loss of qualified mediators. The requirement for mandatory fee schedules removes provider flexibility and fails to consider the expertise of the provider or the complexity of the litigation. The inclusion of mandatory pro bono work has 13th Amendment and public policy concerns.

The proposed rule creates an unfunded mandate on County Superior Courts. The proposed rule also creates new and unnecessary costs for governments and litigants. The burden on smaller, less affluent counties could be onerous.

The proposed amendments are Court Rules (CR) but may be more appropriately submitted as Special Proceedings (SPR) or Mandatory Arbitration (MAR) Rules.

DRAW is concerned about reconciling this rule with Ethics Opinion 2233.

CR 77 – Judicial Officers

DRAW finds this proposed rule wholly redundant. This subject matter is currently addressed, at least as to family law matters, by Title 26. This rule removes discretion from the Court to deal with local matters in a manner best suited to its size and constituency.

In the alternative, the rule should consider replacing the “should” language of the rule with “may.”

In conclusion, DRAW suggests cautions against unnecessary change without compelling reasons. Uniform time limits are not helpful when viewed county-to-county and should be avoided.

Sincerely,

D.R.A.W
Secretary, on behalf of the Board of Directors



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From: Hesler, Greg <Greg.Hesler@avistacorp.com>
Sent: Monday, February 25, 2019 12:04 PM
To: Dan Bridges <dan@mcbdlaw.com>
Cc: Philip Havers <phavers@haverslaw.com>; 'Michael T. Pfau' <michael@pcvalaw.com>;
'vinnie@pcvalaw.com'
Subject: RE: [External] CIVIL RULE AMENDMENTS - WSBA - RESPONSE REQUESTED

Dan-

I hope this message finds you well.

The Litigation Section Executive Committee met recently and, among other things, discussed your request for written comments regarding the ECCL Task Force recommendations.

Attached are written comments that were originally submitted by the Litigation Section Executive Committee in May of 2018. Looking at the language on the final proposal, our comments, and concerns, remain the same. As such, I am resubmitting our original comments to you for consideration.

If I need to submit these in a different way, please let me know. Otherwise, we appreciate you reaching out for our input, and we would welcome the opportunity to engage in the process further.

Regards,
Greg

Gregory C. Hesler
Senior Counsel



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Litigation Section Executive Committee Response to Proposed Rules

The stated primary policy goal of the proposed Civil Rules to reduce the costs of litigation. Although the Litigation Section Executive Committee supports many of the proposed Civil Rules, such as judicial pre-assignment and mandatory disclosures, the Litigation Section Executive Committee unanimously agrees that two of these proposed Rules - the "Reasonable Cooperation" and the "Early Mandatory Mediation" rule - run contrary to the stated goal of reducing the cost of litigation, and will likely have the opposite effect.

"Reasonable Cooperation" - Civ. Rule No. 1

The underlying flaw of the reasonable cooperation rule is that it is fundamentally undefined and subjective. It is also redundant to existing Rules. For example, under RPC 3.4, all attorneys have an obligation to "act reasonably". Under CR 26, attorneys have a similar duty "to participate in good faith in the framing of a discovery plan", etc. Similar obligations exist throughout the rules governing attorneys and litigation; as such, the addition of a "reasonable cooperation" rule would do nothing to improve the conduct of litigation.

Moreover, because the duty to "reasonably cooperate" is undefined, it will invariably lead to misuse, misinterpretation, and abuse. This is especially concerning given its new prominence in Civil Rule 1 and throughout the other proposed Rules. If this is an issue that needs to be addressed reduce the costs of litigation, then it should be clearly and unambiguously defined so that it can be implemented in a consistent manner throughout the State. This would also allow stakeholders to address concerns about the definition and scope of the requirement now, rather than through argument before individual judges. Conversely, if the drafters are unable to reasonably define this term, they cannot expect lawyers, parties and judges apply it with any reasonable certainty or consistency. In that case, what may be subjectively viewed as legitimate litigation strategy and tactics by a judge in one jurisdiction (and thus not subject to sanction) may be subjectively viewed as something totally different by a judge in a different jurisdiction. Given this lack of guidance to both attorneys and judges, this will only lead to additional litigation, motion practice, and expense as people argue over precisely what constitutes "reasonable cooperation". Worse, the focus on reasonable cooperation between attorneys would personalize the issue between the attorneys rather than keeping the focus on the case and clients. Simply put, the imposition of an undefined and overly generic reference to "reasonable cooperation" does not appear to further any of the valid and commendable goals that it is directed towards.

Early Mandatory Mediation Requirement

It is also the unanimous opinion of the Executive Committee for the Litigation Section that the proposed early mandatory mediation requirement will not have any marked effect on reducing the cost of litigation. To the contrary, it will almost certainly increase the costs of litigation, as parties who are not ready or willing to voluntarily mediate a case will now be compelled to do so. In these scenarios, the early mandatory mediation rule simply becomes a "check the box" requirement—something that can readily be seen in practice before counties that already have such a requirement, such as Benton/Franklin County. Early mediation is only a good thing if both sides are ready and interested in it. It necessarily follows that if both sides are interested in mediation, there is no need for a Rule mandating it.

At least two members of the Litigation Executive Committee practiced in Illinois before practicing in Washington. Illinois has a similar mandatory mediation rule and both Executive members can attest that this Rule did not result in any reduction in the cost of litigation. Instead, although well-intentioned, it proved to be a bureaucratic waste of time, and increased the cost of litigation as parties who were not yet ready to mediate were forced to pay for a mediation they did not want and knew would be fruitless.

Because this Rule forces parties to spend money on mediation - including the mediator fees and their own attorneys – they will be forced to either spend more overall or utilize limited resources on mediation that might be much better applied to substantive issues such as discovery and case development.

In addition, the proposed Rule, as written, grants significant power to the mediator to decide things like the length of the mediation, parameters, required attendance, etc. There are no guidelines for this and has the potential for abuse by overzealous mediators.

Further, the proposed Rule, as written, includes no cap on the length of time or the cost of the mandatory mediation. For any mediator appointed by the Court, the parties have no control as to duration, cost or other parameters - the only limitation is the hourly fee for the Court-selected mediator (under the proposed Rule, each County will set the fee schedule). The problem with this is twofold. First, absent limits or guidelines for each County, there is a risk of substantially disparate mediation costs between Counties. Second, the fee schedule is unclear whether the cost of mediation will be an hourly charge or a flat mediation fee.

In a private mediation, any party can terminate at any time. Under the proposed Rule, there is no guidance on the minimum number of hours a party must attend to show the "reasonable cooperation" that would be required under the proposed CR 1. Likewise, it appears to be left to the sole discretion of the mediator to determine when, or if, the parties can terminate a mediation, and under what circumstances. The ambiguity of these issues leads directly back to

the major flaw in the proposed modifications to CR 1—by failing to provide at least some guidelines or parameters, the rule opens itself to the likelihood of increased litigation as parties dispute whether their opponents have properly complied.

Similar ambiguity exists around the parties that must participate. Although the proposed rule mandates that all persons necessary to settle the case must attend, the precise meaning of this requirement is unclear. In the context of a personal injury case, is the requirement satisfied if the insurance adjuster appears without the actual defendant? If the insurance adjuster only has authority up to a certain dollar amount, which is common, has the defendant violated their participation obligation? If only the adjuster appears, but the policy limits are insufficient to settle, does the absence of the named defendant constitute a violation? And what are the remedies and defenses for an alleged breach? If the insurer believed in good faith that the case could be settled for less than policy limits and did not request the defendant to appear, is this a defense to the breach of the rule that all persons necessary to settle the case must appear? The Rule is silent on these issues, leaving each Court without assistance in resolving the disputes that will certainly arise out of the proposed rule. These are not issues where the parties voluntarily agree to mediate a case, but must be addressed if mediation becomes a court-mandated requirement.

Finally, and fundamentally, the rule fails to recognize that if the parties are not ready to mediate, they will spend thousands of dollars participated in a process that will not lead to meaningful advancement of the case. As most litigators will attest, a mediation undertaken prematurely can have dramatic consequences, causing the parties to entrench in their respective positions, fueling animosity, and ultimately undermining the parties' ability to secure a meaningful and amicable resolution of their dispute.

Conclusion

For these reasons, the Litigation Section Executive Committee unanimously opposes both the "reasonable cooperation" and the "mandatory mediation" rules that have been proposed, as neither advance the stated goal of reducing litigation costs. Although well-intentioned, neither rule will achieve the ends for which they are intended.



Justice... Professionalism... Service... Since 1886

April 9, 2019

Washington State Bar Association
Board of Governors
Sub-Committee on Escalating Costs of Civil Litigation

VIA: E-Mail

Dear Governors Higginson, Kang and Tollefson:

KCBA has been informed that your sub-committee is reviewing provisions to implement the policy changes stemming from the Escalating Costs of Civil Litigation ("ECCL") recommendations. The Judiciary and Litigation Committee ("JLC") of the King County Bar Association has been involved in the review of the ECCL reports and has provided input at several meetings of the WSBA Board of Governors. I write to ask that the sub-committee review the attached memorandum setting forth the position of the JLC on initial discovery. We have several significant concerns about the proposal and offer some suggestions that might be of interest in your deliberations over drafting.

We would be interested in attending the next meeting of the WSBA Board of Governors at which the ECCL changes will be considered. Thank you for your time in reviewing these significant changes to our discovery rules.

Respectfully yours,

Brett M. Hill
KCBA Judiciary & Litigation Committee Co-Chair

Cc: Andrew Prazuch, KCBA Executive Director

MEMORANDUM

To: WSBA Task Force
From: King County Bar Association Judiciary & Litigation Committee
Date: April 30, 2018
Subject: Initial Disclosures

The KCBA Judiciary & Litigation Committee has reviewed the proposal on Initial Disclosures from the WSBA Task Force and offers the following comments.

1. Timing of Initial Disclosures

Under the Task Force proposed case schedule, Initial Disclosures would occur 13 weeks after filing. The KCBA Judiciary & Litigation Committee felt that this may prove to be unworkable for several reasons.

First, it is altogether possible that the complaint might not get served until the 13th week after filing. Under RCW 4.16.170 an action is deemed commenced on filing for purposes of the statute of limitations provided that it is served within 90 days. It is not uncommon for a plaintiff to file an action on the eve of the expiration of the statute of limitations and delay service while additional work is performed or the defendants are located. Since the date of commencement relates back to the date of filing, the Plaintiff is able to buy time in this manner. If Initial Disclosures are tied to the filing date, then there may well be insufficient time to meet the deadline in such circumstances. The KCBA Judiciary & Litigation Committee asks whether there might be a more practical way to schedule the disclosures? Under the FRCP the date for initial disclosures is determined by referencing the required discovery conference with the Court. ("A party must make the initial disclosures at or within 14 days after the parties' Rule 26(f) conference unless a different time is set by stipulation or court order. . ."). Washington's Civil Rules makes a CR 26(f) conference optional as opposed to the federal mandatory procedure. In Washington CR 26(f) conferences are the exception and not the normal practice.

Second, Initial Disclosures may come too late. With the Task Force proposal creating a 52 week period from filing to trial, a 13 week deadline for

Initial Disclosures is 25% of the way through the process. That slow start to a case leaves everyone on their heels. Many lawyers serve discovery requests along with the summons and complaint and the Washington Civil Rules make express provision for such a practice by requiring responses within 40 days (as opposed to the normal 30 days) after service. See e.g. CR 33(a), CR 34(b)(3)(A), & CR 36(a). If Initial Disclosures are intended to be a less expensive substitute for traditional discovery,¹ then 91 days (13 weeks) may not satisfy the needs of lawyers who demand discovery within 40 days as a matter of course. Why wait twice as long to get started? The proposed rule encourages a dilatory practice.

One alternative approach would be to require Initial Disclosures to be made at the earlier of 13 weeks or filing or within 30 days of the service of a demand by any party for the making of Initial Disclosures, but not sooner than 40 days after service of the summons and complaint. That would at least reduce the late disclosure problem inherent in the existing draft.

Third, there is a danger that litigants may use the deadline for Initial Disclosures as an excuse for not providing timely responses to interrogatories and requests for production that are served during the first 13 weeks of filing. King County had just such an experience with its Local Civil Rule on case schedule requirements for identifying lay and expert witnesses. Litigants frequently responded to such interrogatory requests saying that the information would be provided on the date set in the case schedule and not a day sooner. The King County Superior Court Local Rules Committee took steps to counter this by adding the following comment to LCR 4.

6. The deadlines in the Case Schedule do not supplant the duty of parties to timely answer interrogatories requesting the names of individuals with knowledge of the facts or with expert opinions. Disclosure of such witnesses known to a party should not be delayed to the deadlines established by this rule.

It is suggested that an expanded form of the comment be added as a part of the proposed Initial Disclosure rule so that it does not provide a means for subverting timely responses to traditional discovery. The expansion should extend to documents and other discovery covered by the new rule.

¹ "the functional equivalent of court-ordered interrogatories. . ."

2. Scope of Required Disclosures

When the requirement of Initial Disclosures was first adopted by the federal courts in 1993, the scope of the disclosures was as follows:

Subparagraph (A) requires identification of all persons who, based on the investigation conducted thus far, are **likely to have discoverable information relevant to the factual disputes between the parties**. All persons with such information should be disclosed, **whether or not their testimony will be supportive of the position of the disclosing party**. As officers of the court, **counsel are expected to disclose the identity of those persons who may be used by them as witnesses or who, if their potential testimony were known, might reasonably be expected to be deposed or called as a witness by any of the other parties.**²

Emphasis added.

This broad scope of disclosures was narrowed in 2000. The Task Force proposal adopts the narrow standard of disclosure instead of using the standard of "relevance to the factual dispute." Rather, a party is only required to disclose that which "supports the disclosing party's claims or defenses," or which is referred to in the party's pleadings.

The differences between the old and new scope limitations is significant. A party can withhold from disclosure information harmful to its case since it only has to provide information and witnesses "supporting the disclosing party's claims or defenses." A party who relies upon the Initial Disclosures as an effective substitute for traditional discovery is walking into a trap and perhaps exposing him or herself to professional liability for errors and omissions because the Initial Disclosures will not provide the full vista of the case necessary to rebut the opponent.³

² *Id.*

³ In *Washington State Physicians Ins. Exchange v. Fisons Corp.*, 122 Wn.2d 299, 341, 858 P.2d 1054 (1993), the Washington Supreme Court interpreted the sanctions provisions of CR 26(g) by applying the report of the federal advisory committee, which in turn cited to the seminal case of *Hickman v. Taylor*, 329 U.S. 495, 67 S.Ct. 385, 91 L.Ed. 451 (1947):

The purpose of discovery is to provide a mechanism for making relevant information available to the litigants. "**Mutual knowledge of all the relevant**

The easy answer to this is to send an interrogatory that requests the "bad" stuff that hasn't been supplied. But, if the intention of the proposed rules is to combat the escalating costs of civil litigation, then that purpose is defeated by making interrogatories just as necessary as before. What is saved by a rule so narrowly drafted?

Arizona has adopted the broader scope of initial disclosure in its Rule of Civil Procedure 26.1, which provides:

(4) The names and addresses of all persons whom the party believes may have knowledge or information relevant to the events, transactions, or occurrences that gave rise to the action, and the nature of the knowledge or information each such individual is believed to possess.

The KCBA Judiciary & Litigation Committee recommends that if an initial disclosure rule is adopted that either the 1993 version of the rule be adopted or the Arizona rule be utilized. Each has the broader scope of "relevance to the factual dispute" rather than the limited disclosure that proposed by the Task Force Draft.

Finally, there are some omissions in the Task Force Draft of language that appears in the FRCP. The FRCP exempts from initial disclosure information that would be used solely for impeachment. The Task Force Draft is silent on this and should be modified to expressly state the exception. Next, the FRCP specifically requires production of "electronically stored information (ESI) and tangible things." The Task Force Draft omits that language and instead says "document and other relevant evidence." While relevant evidence might be read to include ESI and tangible things, it would be better to make that express. A court might well see the deviation from the FRCP as expressing an intention to not cover such material or as a reason to reject federal authority in interpreting the new state rule. Another difference in the Task Force Draft is that while it mimics the requirement that a plaintiff provide a description and computation of each category of damages, it omits the FRCP requirement that the underlying documentation also be made available;⁴ once again forcing the defending party

facts gathered by both parties is essential to proper litigation." *Hickman v. Taylor*.

4

"who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each

to resort to a request for production and reducing the intended cost saving. Consistent with the goal of reducing the costs of litigation, the KCBA Judiciary & Litigation Committee recommends that the federal version be adopted rather than the modification contained in the Task Force Draft.

3. Supplementation

A party making Initial Disclosures “is under no duty to supplement the disclosure” except where new witnesses are located, a new expert is identified, or when the party knows that the disclosure was incorrect when it was made or knows that the Initial Disclosure is no longer true (and withholding that fact is in substance a knowing concealment.” Other than that, there is no requirement to supplement. The same is true for interrogatories and requests for production.

The FRCP requirement is somewhat broader. It requires supplementation not just when the disclosure was incorrect, but also when it was “incomplete.” This seems to be a better approach because it picks up documents that would make the earlier disclosure more reliable. Here is the federal language.

(e) SUPPLEMENTING DISCLOSURES AND RESPONSES.

(1) *In General.* A party who has made a disclosure under Rule 26(a)—or who has responded to an interrogatory, request for production, or request for admission— **must supplement or correct its disclosure or response:**

(A) **in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect**, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing; or

(B) as ordered by the court.

The KCBA Judiciary & Litigation Committee recommends that this FRCP provision be adopted in place of the Task Force Draft. Alternatively, the Task

computation is based, including materials bearing on the nature and extent of injuries suffered.”

FRCP 26(a)(1)(A)(iii).

Force may wish to consider the supplementation provision in Arizona Civil Rule 26.1(d)(2).⁵

4. Sanctions

The Task Force Draft retains the present references to sanctions contained in CR 26(e)(4) [supplementation requirement] and CR 26(h) [signing of requests and responses]. The current provisions are vague in that they refer to "such terms and conditions as the trial court may deem appropriate," and including "an order to pay the amount of the reasonable expenses incurred." The KCBA Judiciary & Litigation Committee recommends that this language be stricken and a specific reference to CR 37 be substituted in order to make clear that the full panoply of allowable sanctions may be imposed.

The Arizona Initial Disclosure Rule discussed above is backed by stiff sanctions that don't exist in Washington. Under Arizona Court Rule 37 the evidence or witness may be excluded if not timely disclosed and unfavorable information not timely disclosed can lead to extreme sanctions such as dismissal.⁶

5

Arizona Civil Rule 26.1(d)(2) *Additional or Amended Disclosures*. The duty of disclosure prescribed in Rule 26.1(a) is a continuing duty, and each party must serve additional or amended disclosures when new or additional information is discovered or revealed. A party must serve such additional or amended disclosures in a timely manner, but in no event more than 30 days after the information is revealed to or discovered by the disclosing party. If a party obtains or discovers information that it knows or reasonably should know is relevant to a hearing or deposition scheduled to occur in less than 30 days, the party must disclose such information reasonably in advance of the hearing or deposition. If the information is disclosed in a written discovery response or a deposition in a manner that reasonably informs all parties of the information, the information need not be presented in a supplemental disclosure statement. A party seeking to use information that it first disclosed later than the deadline set in a Scheduling Order or Case Management Order--or in the absence of such a deadline, later than 60 days before trial--must obtain leave of court to extend the time for disclosure as provided in Rule 37(c)(4) or (5).

6

Arizona Civil Rule 37(c) *Failure to Timely Disclose; Inaccurate or Incomplete Disclosure; Disclosure After Deadline or During Trial*.

(1) *Failure to Timely Disclose*. Unless the court orders otherwise for good cause, a party who fails to timely disclose information, a witness, or a document required by Rule 26.1 may not, unless such failure is

The disclosure rule works in Arizona because lawyers face serious, case destroying sanctions. Given the Washington Supreme Court's decision in *Jones v. Seattle*, 179 Wn.2d 322, 314 P.3d 380 (2013) the Task Force cannot provide a means to enforce the requirements for Initial Disclosures with such sanctions.

Should an Initial Disclosure Rule Be Adopted?

The Rules Drafting Task Force has been charged by the WSBA Board of Governors with multiple tasks. Principle among them is to:

Review the recommendations of the Board of Governors addressing the ECCL Task Force Report and determine whether amendments to Washington's Civil Rules are needed to implement the recommendations.

Consistent with that responsibility, the KCBA Judiciary & Litigation Committee offers the following comments.

Initial Disclosures require a new additional step to the discovery process, which necessarily adds the preparation time to the escalating costs of civil litigation. The rule should only be adopted if it would result in an overall reduction of costs. So the first question that must be answered is whether the rule

harmless, use the information, witness, or document as evidence at trial, at a hearing, or with respect to a motion.

(2) Inaccurate or Incomplete Disclosure. On motion, the court may order a party or attorney who makes a disclosure under Rule 26.1 that the party or attorney knew or should have known was inaccurate or incomplete to reimburse the opposing party for the reasonable cost, including attorney's fees, of any investigation or discovery caused by the inaccurate or incomplete disclosure.

Arizona Civil Rule 37(d) Failure to Timely Disclose Unfavorable Information. If a party or attorney knowingly fails to make a timely disclosure of damaging or unfavorable information required under Rule 26.1, the court may impose serious sanctions, up to and including dismissal of the action--or rendering of a default judgment--in whole or in part.

modification as proposed saves money? The KCBA Judiciary & Litigation Committee submits that it does not.

The underlying failure in the rule is that it fails to produce the adverse information held by the opponent. Any competent litigator is therefore going to have to send out requests for production and interrogatories substantially similar to the ones currently being used. It is as if the parties are initially asked to answer a poorly drafted set of interrogatories and requests (the incomplete initial disclosure list) and then have to answer the discovery requests that would be expected under current practice. It is readily apparent that the initial disclosures saves nothing and adds to the burden and expense of litigation. Moreover, the late and perhaps uncertain deadline for initial disclosures discussed above, means that the diligent will have already drafted and served the inevitable discovery requests and that initial disclosures won't serve a useful function and, ironically, won't be "initial." Only those inclined toward procrastination will be served by the rule; often to their disadvantage due to the incomplete nature of that which would be required.

The lack of required supplementation also requires the diligent to follow up, just as they do today. There is no cost saving that can be found in this rule. A second cost increasing factor is that bulk delivery of documents at the start of a case requires the receiving party to dive through the material to figure out which documents apply to any given claim. Currently, carefully drafted requests for production require the responding party to identify the documents by request number, preventing the hiding of the needle in the haystack. There is an exception that allows documents to be produced in the form in which a business has maintained them. But that is an exception and the normal rule generally provides identified items. An initial disclosure rule as proposed would leave the recipient guessing and would add significantly to the costs of litigation.

Initial Disclosures work in the federal courts because of a different structure for pretrial discovery. Federal judges push discovery management over to a staff of Magistrate Judges. Federal courts are more intimately involved in the pretrial process because they can financially afford it. Our superior and district courts are under-funded and don't even have the luxury of a law clerk let alone commissioners who would act like federal magistrate judges.

The KCBA Judiciary & Litigation Committee submits that the Draft Proposal will increase the costs of civil litigation, introduce uncertainty and create a trap for the unwary.



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May 2, 2019

WSBA Board of Governors
 Washington State Bar Association
 1325 Fourth Ave., Suite 600
 Seattle, WA 98101-2539
 Via Email: margarets@wsba.org

Dear Board of Governors:

I write on behalf of the Board of Trustees of the Washington Defense Trial Lawyers (“WDTL”). As you know, WDTL is a membership of approximately 700 defense attorneys who practice from Vancouver to Bellingham, and from Sequim to Spokane.

We have been informed that your sub-committee is considering recommending changes to the Civil Rules that will fundamentally change the posture of litigation in civil cases. While the goal of reducing costs and counsel cooperation are laudable, and are of substantial interest to our membership, we have significant concerns about the implementation of a number of these proposals.

A. Cooperation Requirement.

While lack of cooperation from opposing counsel remains an ongoing problem for our membership, and probably one of the most frustrating parts of modern practice, the language of the proposed rule lacks the level of specificity required to apprise lawyers of their legal obligations. In our experience, such ambiguity provides very limited utility to address the underlying problem, while having the very real risk of actually *increasing* litigation costs and abuse.

Of primary concern is the lack of any definition of the term “lack of cooperation.” This phrase can have substantially different meanings depending on the Court, the Judge, local practice, and the underlying “cooperation” issue.

Moreover, from a practical perspective, most issues involving a “lack of cooperation” involve discovery disputes, where judges already have substantial discretion and authority to enforce discovery obligations and to sanction conduct inconsistent with good faith cooperation.

B. Early Mediation:

Mandatory *early* mediation, before most discovery and depositions have taken place, makes little sense in many, if not most cases. While potentially reducing attorney’s fees and litigation costs in *certain* cases, a rule requiring such mediation in every case (absent a motions seeking an excuse) will actually increase fees and costs in most cases involving disputed facts. Without the opportunity to take robust discovery and depositions, our clients’ ability to make a reasonably-educated risk and valuation analysis of their case in substantially



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diminished. Without being afforded such an opportunity, many, if not most cases will require either: (1) the filing of a motion to avoid the early mandatory mediation requirement; or (2) participation in an unfruitful mediation due to the lack of sufficient information and case development. Further, requiring early mediation, prior to sufficient case development does not support *fair* resolution of cases, where all parties should be adequately informed as to their relative positions' strengths and weaknesses, and the corresponding risks and vulnerabilities.

It is undeniable that early mediation may serve clients well in *certain situations*. Therefore, it is incumbent on us as attorneys to explore that opportunity where early mediation is in our clients' best interest. However, for each of the reasons above, requiring it is in every case makes little sense.

Thank you for your time and attention to this matter.

Sincerely,

Peter M. Ritchie
WDTL President

cc: James E. Macpherson, WDTL WSBA Liaison



May 24, 2018

Sherry Linder
Washington State Bar Association
Civil Litigation Rules Drafting Task Force
1325 Fourth Avenue, Suite 600
Seattle, WA 98101

RE: Proposed Rules

Dear Ms. Linder:

The Washington State Association for Justice would like to submit the following for consideration of the proposed rule changes.

Cooperation -- proposed changes to CR 1, CRLJ 1, CR 11, CRLJ 11, CR 26, CRLJ 26 and CR 37

WSAJ strongly supports the purpose and intent of current Civil Rule 1 to “secure the just, speedy, and inexpensive determination of every action” and shares in the WSBA position that “all parties jointly share the responsibility of using the rules to achieve the aspirational ends of the civil justice system.” Because RPC 3.1, RPC 3.4, and RPC 8.4 all address and require cooperation, our members view this as an important ethical obligation, as well.

However, WSAJ has some concern whether the proposed changes to CR 1, CRLJ 1, CR 11, CRLJ 11, CR 26, CRLJ 26 and CR 37 which purport to “inculcate a duty of cooperation” are necessary, are enforceable, and are perhaps an unnecessary risk for unintended and counterproductive consequences. At the core of these concerns is the inherently subjective mandate expressed in Proposed CR 1 and Proposed CRLJ 1 that “all parties and their legal counsel shall *reasonably cooperate* with each other and the court in all matters.” (Emphasis supplied). Every new rule increases the opportunity for interpretation and the likelihood of additional motion practice. “Reasonable cooperation” is often in the eye of the beholder and it is conceivable – perhaps inevitable – that these proposed new rules amendments will cause an exponential increase in the volume of motions our trial judges will need to make room for on their already overburdened calendars. Indeed, the proposed changes to CR 11 appear to invite such motion practice.

For these reasons, we feel that the WSBA should carefully consider what these proposed new rules add that *cannot* already be addressed by a trial court through existing rules. In the end, we believe the current Civil Rules provisions provide judges with adequate tools to address the concerns we all share.

Indeed, the Civil Rules enforcement is a critical issue, though only tangentially addressed by the ECCL Task Force in its June 15, 2015 Final Report to the WSBA Board of Governors ("ECCL Final Report"). Its Final Report relies for data on a handful of unscientific and anecdotal lawyer surveys conducted between 2007 and 2009 by the ABA and WSBA. Not surprisingly, the surveys suggest that lawyers believe litigation is too expensive. ECCL Final Report at p. 1. These surveys also demonstrate that, despite the suggestion of a variety of contributing factors, a prevailing, common belief among most lawyers surveyed is that *judicial enforcement of the Civil Rules generally and discovery rules in particular will solve the perceived problem.* The ECCL Task Force itself concluded that "active judicial case management – including a willingness to enforce discovery rules – is indispensable in controlling litigation costs." ECCL Final Report at p. 3 (emphasis supplied). The Final Report reflects "common suggestions" from attorneys surveyed for "higher sanctions" and "better enforcement of existing rules," and strong agreement among attorneys "that existing discovery rules are not being enforced." ECCL Final Report at p. 13-14 (emphasis supplied). The Final Report notes that "[m]any respondents to the Task Force's survey complained that judges' failure to enforce existing rules contributed significantly to driving up [litigation] costs." ECCL Final Report at p. 18. The Final Report admits that, even with regard to its proposals, "the rules will only be effective if courts enforce them in a thoughtful way." ECCL Final Report at p. 30.

Every identified goal of the WSBA ECCL Task Force in its June 15, 2015 and in the July 2016 Report of the WSBA Board of Governors can be achieved through strict judicial enforcement of our current Civil Rules. This is likely an area where more rules are unnecessary and the danger of an expansion of motion practice may be a significant unintended and counterproductive consequence.

Mandatory Early Mediation – proposed new Superior Court civil rule

WSAJ does not oppose the general idea of early mediation, or any other effort reasonably calculated to resolve civil lawsuits efficiently and fairly without compromising Washington citizens' right to access our courts and seek justice. However, our membership is deeply concerned that some ideas which appear to further that goal on paper will not be effective in practice and may have unintended consequences contrary to the stated goal of reducing the costs of civil litigation.

WSAJ believes that the WSBA's proposed Early Mandatory Mediation Requirement, as currently drafted, will not be effective in resolving cases early and will, in practice, unnecessarily increase the costs of litigation for plaintiffs in civil cases. Mediation is expensive for all parties – both because of the mediator's fee and because of the preparation required. Most cases cannot be resolved until discovery is complete or nearly complete, disputed legal issues are resolved by the Court, and each party can evaluate the likelihood of success at trial. There are simply too many variables to require across-the-board early mediation in every civil case before discovery is complete.

Most civil lawsuits involve insurance coverage and insurance adjusters. In those cases, whether a case settles depends almost entirely on whether the insurance adjuster has enough information, enough authority, and enough motivation to pay fair value to settle the case. As a practical matter, cases that do not settle before a plaintiff is forced to file a lawsuit will not settle until there has been a change in circumstances in the case – usually from new information obtained during discovery -- or a change in perspective of the assigned insurance adjuster – often the produce of a defense attorney's legal

analysis. A change in the insurance company's position almost never occurs until formal discovery occurs, the parties conduct depositions of key witnesses, the Court revolves significant legal issues, and the parties disclose some or all of their experts' opinions.

For these reasons, WSAJ opposes the current version of the proposed Early Mandatory Mediation Requirement. However, WSAJ's position may be different if the proposed rule was revised to make early mediation mandatory if, and only if, (a) one party requested early mediation and (b) the party requesting early mediation were required to pay the mediator's fees. In the case where a defendant's insurance company desired to mediate early, this would prevent a plaintiff from being required to incur the substantial expense of an early mediation while helping to assure, to some degree, that the defendant and the defendant's insurance company were "serious" about trying to resolve the case early.

Under such a procedure, early mediation would be mandatory if, and only if, one party requested it. The request would be required by a Court-imposed deadline, the requesting party would be responsible for the cost of mediation, and nearly all other elements of the current proposed Early Mandatory Mediation Requirement would be acceptable to WSAJ.

Initial Disclosures – proposed changes to CR 26 and CRLJ 26

WSAJ does not generally oppose the WSBA Draft Proposal to Amend Civil Rule 26 and Civil Rule of Limited Jurisdiction 26 pertaining to mandatory initial disclosures. WSAJ strongly favors limiting, as the proposed rule does, disclosures of only information that "supports the *disclosing party's* claims or defenses." Proposed CR 26(b)(1)(A) (emphasis supplied). We also strongly support the concept that this proposed new rule does not interfere with other discovery tools and allows discovery to be conducted without delay despite the initial disclosure requirement.

WSAJ does, however, strongly suggest some changes to the current proposal. First, the proposed rule lacks clarity as to *when* the initial disclosures must be made. WSAJ believes any proposed new rule should be realistic with regard to deadlines. A deadline of 60 or 90 days following service of the first defendant would be acceptable and realistic, in our view.

More importantly, while the current proposal does not appear to contemplate expert witnesses or their opinions as within the purview of this mandatory initial disclosure requirement, this exception must be explicit in any new rule. For instance, proposed CR 26(b)(1)(A) requires disclosures of "each individual that possesses any relevant information that supports the disclosing party's claims or defenses." This must be clarified to specifically exclude the identify of expert witnesses and the substance of expert opinions. Similarly, proposed CR 26(f)(1)(B) should be omitted entirely. The current discovery rules, including CR 26, CR 30, CR 33 and CR 34, provide adequate and time-tested methods of obtaining information concerning an opposing parties' experts. Any proposed new initial disclosure requirement should specifically exclude expert witnesses and their opinions from early disclosure. This can easily be accomplished by amending Proposed CR 26(b)(1)(A) to exclude experts and their opinions and by removing CR 26(f)(1)(B) entirely.

There are many good reasons to exclude experts from any mandatory initial disclosure requirement. Early, mandatory disclosure of experts and their opinions would be clearly unworkable and unfair because they require plaintiffs to disclose expert opinions prior to completion of meaningful and substantial discovery. In nearly every case, a retained expert needs the information a plaintiff obtains *through discovery* before he or she can provide an opinion. This includes depositions of key fact witnesses and medical providers. This discovery, in most cases, constitutes the facts and data used by the expert to formulate expert opinions.

Further, requiring initial disclosures of experts and their opinions will result in a dramatic increase in litigation costs, particularly for the party with the burden of proof. For instance, a medical negligence plaintiff will be required to pay an expert to prepare for these early initial disclosures and then again to evaluate discovery and revise standard of care opinions based on that discovery. An employment claim plaintiff would have a similar, unnecessarily expensive process once documents and information are obtained through discovery from an employer. This will no doubt create a corresponding increase in discovery motion practice.

WSAJ also has significant concerns about the proposed changes CR 26(b)(E) pertaining to insurance information. First, it is unclear why the proposed rules do not simply use the same language as the current CR 26(b)(2) (“insurance agreements”). In particular, the existing provision references “any documents affecting coverage (such as denying coverage, extending coverage, or reserving rights).” CR 26(b)(2)(ii). Proposed CR 26(b)(1)(E) omits this language. There can be no reasonable basis for this omission: if the goal is to provide a true picture of insurance coverage, then the initial disclosure *must* include all documents which may in any way potentially affect coverage. Such documents are almost always uniquely in the possession or under the control of a civil defendant and the defendant’s insurance company. For this reason, Proposed CR 26(b)(1)(E) must be broadened at the very least to mirror the language of our current CR 26(b)(2) and include “any documents affecting coverage” with the specific examples included in the current rule.

Thank you for considering our views. Please contact us if you have any questions.

Sincerely,



Darrell Cochran
WSAJ President



Peter Meyer
Vice-Chair, WSAJ Court Rules Committee

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: WSBA Board of Governors

From: Governor Russell Knight, Chair of the APEX Awards Committee; Sanjay Walvekar, Outreach and Legislative Affairs Manager; and Sue Strachan Legal Community Outreach Specialist

Date: April 29, 2019

Re: APEX Awards categories and naming

First Read: (1) Proposal to adopt or modify criteria for naming APEX Awards, (2) Proposal to adopt or modify criteria for evaluating requests to add or retire APEX Award categories, and (3) Proposal to rename the APEX Award of Merit in honor of Chief Justice Mary Fairhurst or some other honor.

Background: The Washington State Bar Association annually recognizes luminaries of the Washington legal profession through its APEX (Acknowledging Professional Excellence) Awards. The awards are meant to illustrate and inspire legal professionals to advance WSBA's mission. In addition to recommending recipients for each award, the APEX Awards Committee is responsible for receiving and responding to requests to name existing award categories after individuals and to add or retire award categories.

Discussion: Governor Clark asked the Committee to consider naming the Award of Merit, our highest award, after Chief Justice Mary Fairhurst. The APEX Awards Committee unanimously agrees Chief Justice Mary Fairhurst embodies the Award of Merit, although the Committee is making no recommendation about renaming the award at this time and is seeking advice of the entire Board of Governors. The Committee further recognizes that while Committee members change annually, the APEX Awards are a continuous hallmark of legal achievement meant to span far beyond a single board. For that reason, the Committee seeks to follow a uniform criteria for renaming awards. In 2018, WSBA staff authored the attached documents offering criteria for naming APEX Awards and criteria for evaluating requests to add or retire APEX Award categories. These criteria have not yet been considered or adopted by the entire Board. The criteria are inconsistent with the request to rename the Award of Merit in honor of Chief Justice Fairhurst.

The committee asks the Board to discuss adopting or modifying the criteria for naming APEX Awards and evaluating requests to add or retire award categories, including whether these criteria should be considered mandatory or guiding factors. In light of those criteria, and possible extenuating circumstances, the Committee further asks the Board to consider whether it is appropriate to rename the Award of Merit after Chief Justice Fairhurst at this time.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors Awards Committee

Process and Criteria to Name an Award in Honor of a Person

The Washington State Bar Association annually recognizes luminaries of the Washington legal profession through its APEX (Acknowledging Professional Excellence) Awards. The awards are meant to illustrate and inspire legal professionals to advance WSBA's mission; therefore, each award may be named after an individual who exemplifies the spirit of the award category and embodies the WSBA mission in general. In general, the Board of Governors has expressed a general preference toward *not* naming awards, given the potential subjectivity of the naming process, need to appeal broadly to nominees in each award category, and the possible diminishing of name recognition through the years.

The APEX Awards Committee is responsible for receiving and responding to requests to name awards, screening the request using the criteria below, and making a recommendation to the Board of Governors, which will make the final decision.

Criteria for approving a recommendation to name an APEX Award

To be considered for an APEX Award name, an individual must:

- Be deceased.
- Be non-divisive.
- Be a legal "giant" known to, and significant to, the WSBA legal community—preferably across the state—generally considered an upstanding recognizable name within the profession.
- Have an array of professional and personal achievements that epitomize the spirit and characteristics of the award category and are distinguished even among other leaders in his/her practice area.
- Have a personal story and/or philosophy that inspires WSBA members to follow in his/her footsteps.

Procedures for naming an APEX Award

- The APEX Award will not be renamed until the following fiscal year if the Board of Governor's action is less than 9 months before the APEX Award ceremony.
- Any WSBA member or group of members may make a recommendation to name an existing APEX Award after someone they believe meets the above criteria. The recommendation should be made in writing to the WSBA with more information about the nominee's qualifications and the level of membership outreach and support for the proposal.
- The APEX Awards Committee will determine whether the nominee meets all of the above criteria. It may be necessary for Committee members to consult with legal leaders in the area of the award category to make an informed decision.
- A quorum of the Committee must be present to vote on the recommendation, and 75 percent of Committee members present must vote in favor of the recommendation for it to pass to the Board of Governors.
- If the Committee moves forward with a recommendation to the Board of Governors, and the board votes in approval, committee members will make a good-faith effort to contact and seek input from the closet relatives and colleagues of the nominee.

Board of Governors Awards Committee

Process and Criteria to Add or Retire an APEX Award Categories

The Washington State Bar Association annually recognizes luminaries of the Washington legal profession through its APEX (Acknowledging Professional Excellence) Awards. The awards are meant to illustrate and inspire legal professionals to advance WSBA's mission. WSBA's goal is to maintain as few award categories as necessary to meaningful showcase different aspects of the WSBA's mission in action; each additional award has the potential to dilute the significance of the awards as a whole, thin out nominees across categories, and extend the ceremony length.

The APEX Awards Committee is responsible for receiving and responding to requests to add or retire award categories, screening the request using the criteria below, and making a recommendation to the Board of Governors, which will make the final decision.

Criteria for screening the viability of APEX Awards categories

Any APEX Award category must:

- Meaningfully and uniquely showcase an aspect of the legal profession that advances the WSBA's mission and values.
- Not substantively duplicate any existing award category (i.e., could nominees for a prospective award category could readily fit into an existing award category for their achievements).
- Be expansive enough to reliably draw annual nominations from across the state and from many sectors of the legal community.

Procedures for naming an APEX Award

- An APEX Award category will not be added or retired until the following fiscal year if the Board of Governor's action is less than 9 months before the APEX Award ceremony.
- Any WSBA member or group of members may make a recommendation to add or retire an APEX Award. The recommendation should be made in writing to the WSBA with accompanying information.
- The Awards Committee will determine whether the recommendation meets all of the above criteria. It may be necessary for Committee members to consult with legal leaders in the area of the award category to make an informed decision.
- A quorum of the Committee must be present to vote on the recommendation, and 75 percent of Committee members present must vote in favor of the recommendation for it to pass to the Board of Governors.

WASHINGTON STATE
BAR ASSOCIATION

To: Board of Governors
From: Budget and Audit Committee
Re: WSBA Investments
Date: May 9, 2019

- 1. UPDATE:** Reallocation of WSBA Investments from Bond Funds to Federated Money Market Account.
- 2. ACTION:** Approve the allocation of \$100,000 in investment gains from unrestricted reserves to the Facilities Reserve Fund.

1. Reallocation of WSBA Investment Portfolio

The WSBA currently invests in four bond funds totaling just over \$3.2 million (see March/April Investment Update in meeting materials for details regarding each bond fund value).

On March 21, considering the impact of potential change in WSBA's organizational structure on WSBA's investments, the Budget and Audit Committee began to discuss whether WSBA should move its investments from managed bond funds to short-term investment vehicles such as money markets.

On April 25, the Budget and Audit Committee's Investment Subcommittee met with WSBA's investment advisor from Morgan Stanley, Mark Allison, who recommended moving the funds into a Federated Money Market account, which has a yield of 2.5%, provides maximum flexibility to move funds in and out of the investment, reduces exposure to interest rate risk, and preserves the principal value of the portfolio. The yield is similar, if not better, than other WSBA money market accounts held at Wells Fargo, Merrill Lynch, and UBS Financial, and is higher than current rates on Certificates of Deposit (2.3% for 6 months and 2.4% for 12 months). Mr. Allison also confirmed that the Federated Money Market account was included in the types of allowable investments outlined in the WSBA's Investment Policy.

Following an update from the Investment Subcommittee, the Budget and Audit Committee unanimously voted to propose, unless the Board of Governors objects, to reallocate the investment portfolio into a Federated Money Market account. While the Committee recognizes that it has the authority to reallocate these funds per WSBA Investment Policy, they felt it was prudent to inform the Board of Governors of the proposed changes and allow for the opportunity to comment.

2. Allocation of \$100,000 Investment Gains from Unrestricted Reserves to the Facilities Reserve Fund

The Facilities Reserve Fund is a board-designated fund established to support future facilities needs such as an office move or space renovation. Pursuant to WSBA fiscal policy, the minimum for the Facilities Reserve Fund is set at \$200,000, and it is expected that WSBA will increase the Fund's value as it gets closer to lease completion at the end of December 2026. Historically, the Board budgeted contributions to the Fund or

increased the Fund balance in the last half of the fiscal year, when actual expenses against budget are better known. The current Fund balance is \$450,000.

In June 2016, in order to insulate investment gains from market fluctuations, the Budget and Audit Committee: (a) set an investment gain threshold of \$100,000 that authorizes the transfer of portfolio gains into WSBA's operating accounts, and (b) determined that this threshold should be assessed at the end of each month, with gains or losses reported to the Committee and the Board of Governors in the Investment Update report. On March 31, 2019 the gain since inception on the investment portfolio was \$116,273, which prompted a transfer of \$100,000 into WSBA's operating account (unrestricted reserves) in April.

At its meeting on April 25, the Budget and Audit Committee discussed and voted to recommend to the Board of Governors to allocate the \$100,000 gain from unrestricted reserves to the Facilities Reserve Fund.

MEMORANDUM

To: WSBA President, President-Elect, Immediate Past President, and Board of Governors
From: WSBA Court Rules and Procedures Committee
Date: April 25, 2019
Re: Proposed Amendments to Mandatory Arbitration Rules (MARs)

ACTION: Approve proposed amendments to MARs: GR 1; Rule 1.1; Rule 1.2; Rule 1.3; Rule 2.1; Rule 2.2; Rule 2.3; Rule 3.1; Rule 3.2; Rule 4.1; Rule 4.2; Rule 4.3; Rule 5.1; Rule 5.2; Rule 5.3; Rule 5.4; Rule 6.1; Rule 6.2; Rule 6.3; Rule 6.4; Rule 7.1; Rule 7.3; Rule 8.1; Rule 8.2; Rule 8.3; Rule 8.4; and Rule 8.5 for submission to the Washington Supreme Court.

The Board of Governors met on March 16, 2019, and the proposals were postponed until the May meeting.

By letter dated May 23, 2018, the Supreme Court Rules Committee asked the WSBA Court Rules and Procedures Committee (“Committee”) to review the Mandatory Arbitration Rules (“MAR”). The Supreme Court Rules Committee had reviewed enacted legislation EHB 1128 – Civil Arbitration, determined that it would benefit from a review by the Committee, and asked that such review and feedback “be provided as soon as practicable so the court can consider it and take any necessary action by the September 1, 2018 effective date.” The legislature amended RCW Chapter 7.06 effective September 1, 2018. While the Committee could not meet that short deadline, it has now completed its review and presents these proposed amendments to the WSBA Board of Governors for action, so as to expedite returning this feedback to the Supreme Court Rules Committee.

Attached to this memorandum are the proposed amendments to MARs, which address the renaming of the MARs to Supreme Court Mandatory Arbitration Rules (“SCCAR”) and effectuating the RCW Chapter 7.06 amendments.

The Committee created an ad hoc subcommittee – MAR Subcommittee – to review EHB 1128 and the entire class of MARs.

MAR Subcommittee recommended the following proposals:

- GR 1: Strike the word “mandatory” and replace with “civil.” The acronym will accordingly be changed from MAR to SCCAR.

- MAR Title: References to the word “mandatory” are removed throughout the arbitration laws. “Mandatory Arbitration” is replaced with “Civil Arbitrations.” The title is changed accordingly to Superior Court Civil Arbitration Rules or SCCAR.
- Rule 1.1 Amendment: Striking the word “mandatory.”
- Rule 1.2 Amendment: Striking the word “mandatory” in two places.
- Rule 1.3 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 2.1 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 2.2 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 2.3 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 3.1 Amendment: Striking MAR from the title of the rule and adding the word RULE before 3.1.

The suggested amendments reflect the amendments in Sec. 5 of EHB 1128 and the corresponding amendments to RCW 7.06.040 about the necessary qualifications for an arbitrator.

- Rule 3.2 Amendment: Striking MAR from the title of the rule.
- Rule 4.1 Amendment: Striking MAR from the title of the rule.
- Rule 4.2 Amendment: Striking MAR from the title of the rule.
These suggested amendments are consistent with the new section added by EHB 1128 to RCW Chapter 7.06. The section addresses the allowed discovery after the case has been assigned to an arbitrator.
- Rule 4.3 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 5.1 Amendment: Amending “63” to “75” to reflect the new limit on the how soon the case must be set for a hearing after it is assigned to an arbitrator. This is consistent with the new section under EHB 1128, Sec. 3.
- Rule 5.2 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 5.3 Amendment: Changing “MAR” to “SCCAR” to reflect the new abbreviation for the civil arbitration rules.
- Rule 5.4 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 6.1 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 6.2 Amendment: Striking MAR from the title of the rule.
- Rule 6.3 Amendment: Striking MAR from the title of the rule.
- Rule 6.4 Amendment: Striking MAR from the title of the rule.
- Rule 7.1 Amendment: Striking MAR from the title and adding the word RULE before 7.1.
Also, this rule is amended to reflect the changes in EHB 1128, Sec. 6 and reflected in RCW 7.06.050. This requires that the aggrieved party sign the request for the trial de novo. The Subcommittee also proposes changes to the signature line to reflect this amendment and to provide for information about the signatory when a party is an organization/corporation.
- Rule 7.3 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 8.1 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 8.2 Amendment: Amendment only to the title to change classification to SCCAR.
- Rule 8.3 Amendment: Amendment only to the title to change classification to SCCAR.

- Rule 8.4 Amendments: Inserting the word “Civil” and striking the word “Mandatory” before Arbitration. Also changing the abbreviation from MAR to SCCAR.
- Rule 8.5 Amendment: Amendment only to the title to change classification to SCCAR.

The proposed revisions were circulated widely to the WSBA’s list of stakeholders, including: representatives from the Supreme Court, the three Courts of Appeal, the Superior Court Judges Association, and the District & Municipal Court Judges Association; specialty bars and interested groups (the WA Defense Trial Lawyers, WA Association for Justice, NW Justice Project, WA Association of Criminal Defense Lawyers, WA Appellate Lawyers Associations, International Association of Defense Counsel, WA Association of Prosecuting Attorneys, WA State Association of Municipal Attorneys, Public Defenders Association, ACLU of Washington, Columbia Legal, and section leaders for the WSBA’s sections); and local and minority bar associations.

MAR Subcommittee received seven comments from the following:

1. Barbara Miner, King County Superior Clerk
2. Jon C. Parker
3. Roger Leed
4. Judge Korsmo, on behalf of the Court of Appeals Rules Committee
5. Favian Valencia
6. Brad Smith
7. Washington Defense Trial Lawyers (“WDTL”)

Ms. Miner proposed amendments to MAR 7.2 on the issue of who should have access to an arbitration award following a trial de novo request. Given the scope of the Subcommittee’s role in implementing EHB 1128 and the timing, the Subcommittee referred MAR 7.2 for further review and discussion. (The Committee did not vote on MAR 7.2 and tabled it for the FY 2018-2019 Committee to review. MAR Subcommittee is reviewing the rule).

Some of the remaining comments raised issues including arbitrator qualifications, scope of discovery, and the new arbitration limit increase from \$50,000 to \$100,000. The Subcommittee discussed the remaining comments and agreed there was no need to propose any revised amendments.

After hearing about the feedback gathered by the subcommittee and discussing the proposed amendments, the Committee voted to adopt the proposed changes.

The attached materials include a redline and clean version of the proposed amendments

We anticipate submitting these amendments to the Washington Supreme Court after the BOG has completed its consideration.

ATTACHMENTS:

- Appendix A: Justice Johnson’s May 23, 2018 Letter

- Appendix B: Redline and Clean version of the proposed amendments to MARs
- Appendix C: Stakeholder List
- Appendix D: Comments Received

Appendix A

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J.C.JOHNSON@COURTS.WA.GOV

May 23, 2018

MAY 29 2018

Ms. Paula Littlewood
Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Ms. Littlewood:

Recently, the legislature enacted EHB 1128—Civil Arbitration, which is effective September 1, 2018. This law will affect the current statewide Mandatory Arbitration Rules (MARs). The Supreme Court Rules Committee has reviewed this legislation and has determined that it would benefit from a review by the Washington State Bar Association's Court Rules and Procedures Committee.

The Supreme Court Rules Committee recognizes that this law will become effective before the Court Rules and Procedures Committee is regularly scheduled to review the MARs. The Rules Committee would appreciate any review and feedback that can be provided as soon as practicable so the court can consider it and take any necessary action by the September 1, 2018 effective date.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles W. Johnson".

Charles W. Johnson, Chair
Supreme Court Rules Committee

cc: Mr. Kevin Bank, WSBA Assistant General Counsel
Ms. Shannon Kilpatrick, WSBA Court Rules and Procedures Committee Chair

Appendix B

GR 1
CLASSIFICATION SYSTEM FOR COURT RULES

PART I: RULES OF GENERAL APPLICATION

General Rules	GR
Code of Judicial Conduct	CJC
Discipline Rules for Judges	DRJ
Board for Judicial Administration Rules	BJAR
Admission to Practice Rules	APR
Rules of Professional Conduct	RPC
Rules for Enforcement of Lawyer Conduct	ELC
Judicial Information System Committee Rules	JISCR
Rules of Evidence	ER

PART II: RULES FOR APPELLATE COURT ADMINISTRATION

Supreme Court Administrative Rules	SAR
Court of Appeals Administrative Rules	CAR

PART III: RULES ON APPEAL

Rules of Appellate Procedure	RAP
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PART IV: RULES FOR SUPERIOR COURT

Superior Court Administrative Rules	AR
Superior Court Civil Rules	CR
Superior Court <u>CivilMandatory</u> Arbitration Rules	MSCCAR
Superior Court Special Proceedings Rules	SPR
Superior Court Guardian ad Litem Rules	GALR
Superior Court Criminal Rules	CrR
Superior Court Special Proceeding Rules--Criminal	SPCR
Superior Court Mental Proceedings Rules	MPR
Juvenile Court Rules	JuCR

PART V: RULES FOR COURTS OF LIMITED JURISDICTION

Administrative Rules for Courts of Limited Jurisdiction	ARLJ
Rules for Appeal of Decisions of Courts of Limited Jurisdiction	RALJ
Civil Rules for Courts of Limited Jurisdiction	CRLJ
Criminal Rules for Courts of Limited Jurisdiction	CrRLJ
Infraction Rules for Courts of Limited Jurisdiction	IRLJ

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCARMAR)

RULE 1.1
APPLICATION OF RULES

1 These arbitration rules apply to ~~mandatory~~ arbitration of civil actions under RCW 7.06. These
2 rules do not apply to arbitration by private agreement or to arbitration under other statutes,
3 except by stipulation under rule 8.1.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCARMAR)

RULE 1.2
MATTERS SUBJECT TO ARBITRATION

1 A civil action, other than an appeal from a court of limited jurisdiction, is subject to arbitration
2 under these rules if the action is at issue in a superior court in a county which has authorized
3 ~~mandatory~~ arbitration under RCW 7.06, if (1) the action is subject to ~~mandatory~~ arbitration as
4 provided in RCW 7.06, (2) all parties, for purposes of arbitration only, waive claims in excess of
5 the amount authorized by RCW 7.06, exclusive of attorney fees, interest and costs, or (3) the
6 parties have stipulated to arbitration pursuant to rule 8.1.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCARMAR)

RULE 1.3
RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 2.1
TRANSFER TO ARBITRATION

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 2.2

COURT MAY DETERMINE ARBITRABILITY

1 [Unchanged]

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25 Suggested Amendment MAR 2.2
Page 1

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 2.3

ASSIGNMENT TO ARBITRATOR

1 [Unchanged]

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25 Suggested Amendment MAR 2.3
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCARMAR)
RULE MAR 3.1
QUALIFICATION

1 Unless otherwise ordered or stipulated, an arbitrator must be a member in good standing of the
2 Washington State Bar Association who has been admitted to the Bar for a minimum of 5 years,
3 or who is a retired judge. The parties may stipulate to a nonlawyer arbitrator.

4 ~~Unless waived pursuant to RCW 7.06.040(2)(b), a person may not serve~~To qualify as an
5 arbitrator ~~unless the,~~ a person ~~has~~must completed a minimum of three credits of Washington
6 State Bar Association approved continuing legal education credits on the professional and ethical
7 considerations for serving as an arbitrator. A person serving as an arbitrator must file a
8 declaration or affidavit stating or certifying to the appointing court that the person is in
9 compliance with the qualifications described in RCW 7.06.040~~sign and file an oath of office,~~
10 ~~either to serve in a particular case, or as a member of a panel of arbitrators.~~ The court is
11 authorized to remove an individual from a list of qualified arbitrators for good cause.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)
RULE MAR 3.2
AUTHORITY OF ARBITRATORS

1 [Unchanged]

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25 Suggested Amendment MAR 3.2
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE MAR 4.1

RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR AND PARTIES

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCARMAR)
RULE ~~MAR~~ 4.2
DISCOVERY

1 After the assignment of a case to the arbitrator, a party may ~~demand a specification of damages~~
2 ~~under RCW 4.28.360, may conduct discovery as follows:~~ (1) request from the arbitrator an
3 examination under CR 35; (2) ~~may~~ request admissions from a party under CR 36; and (3) ~~may~~
4 take the deposition of another party, ~~unless the arbitrator orders otherwise. No~~ A party may
5 request additional discovery from the arbitrator, including interrogatories, and the arbitrator will
6 allow additional discovery shall be allowed, except as the parties may stipulate or as the arbitrator
7 may order. The arbitrator will allow discovery only when reasonably necessary. The conference
8 requirements of CR 26(i) shall not apply to motions to the arbitrator to allow additional
9 discovery under this rule.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 4.3
SUBPOENA

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCARMAR)

RULE 5.1
NOTICE OF HEARING

1 The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of
2 the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall
3 be scheduled to take place not sooner than 21 days, nor later than ~~75~~63 days, from the date of the
4 assignment of the case to the arbitrator. The hearing shall take place in appropriate facilities
5 provided or authorized by the court.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 5.2

PREHEARING STATEMENT OF PROOF

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCARMAR)

RULE 5.3
CONDUCT OF HEARING – WITNESSES—RULES OF EVIDENCE

1 **(a) – (c)** [Unchanged]

2 **(d)** Certain Documents Presumed Admissible. The documents listed below, if relevant, are
3 presumed admissible at an arbitration hearing, but only if (1) the party offering the document
4 serves on all parties a notice, accompanied by a copy of the document and the name, address and
5 telephone number of its author or maker, at least 14 days prior to the hearing in accordance with
6 SCCARMAR 5.2; and (2) the party offering the document similarly furnishes all other related
7 documents from the same author or maker. This rule does not restrict argument or proof relating
8 to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine
9 the weight of the evidence after hearing all of the evidence and the arguments of opposing
10 parties. The documents presumed admissible under this rule are:

11 **(d)(1) – (d)(7)** [Unchanged]

12 **(e)** [Unchanged]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 5.4

ABSENCE OF PARTY AT HEARING

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 6.1
FORM AND CONTENT OF AWARD

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)
RULE MAR 6.2
FILING OF AWARD

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)
RULE MAR 6.3
JUDGMENT ON AWARD

1 [Unchanged]

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25 Suggested Amendment MAR 6.3
Page 1

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)
RULE MAR 6.4
COSTS AND ATTORNEY FEES

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCARMAR)

RULEMAR 7.1
REQUEST FOR TRIAL DE NOVO

1 (a) [Unchanged]

2 (b) Form. The request for a trial de novo shall not refer to the amount of the award,
3 including any award of costs or attorney fees, and shall be substantially in the form set
4 forth below, and must be signed by the party:

SUPERIOR COURT OF WASHINGTON
FOR (_____) COUNTY

)	
)	No. _____
Plaintiff,)	
)	REQUEST FOR
v.)	TRIAL DE NOVO
)	
)	
)	
Defendant.)	

13 TO: The clerk of the court and all parties:
14 Please take notice that (name of aggrieved party) requests a trial de novo from the award filed
15 _____(date)_____.

16 Dated: _____

(SignatureName of attorney for aggrieved party)
(Printed Name):
(Title, if applicable)

(Name of attorney for aggrieved party)

21 (c) – (d) [Unchanged]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 7.3

COSTS AND ATTORNEY FEES

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 8.1
STIPULATIONS

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 8.2
LOCAL RULES

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 8.3
EFFECTIVE DATE

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVILMANDATORY ARBITRATION RULES
(SCCARMAR)

RULE 8.4
TITLE AND CITATION

1 These rules shall be known and cited as the Superior Court CivilMandatory Arbitration Rules.

2 SCCARMAR is the official abbreviation.

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL MANDATORY ARBITRATION RULES
(SCCAR MAR)

RULE 8.5

STATUS OF COMMENTS

1 [Unchanged]

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GR 1
CLASSIFICATION SYSTEM FOR COURT RULES

PART I: RULES OF GENERAL APPLICATION

General Rules	GR
Code of Judicial Conduct	CJC
Discipline Rules for Judges	DRJ
Board for Judicial Administration Rules	BJAR
Admission to Practice Rules	APR
Rules of Professional Conduct	RPC
Rules for Enforcement of Lawyer Conduct	ELC
Judicial Information System Committee Rules	JISCR
Rules of Evidence	ER

PART II: RULES FOR APPELLATE COURT ADMINISTRATION

Supreme Court Administrative Rules	SAR
Court of Appeals Administrative Rules	CAR

PART III: RULES ON APPEAL

Rules of Appellate Procedure	RAP
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PART IV: RULES FOR SUPERIOR COURT

Superior Court Administrative Rules	AR
Superior Court Civil Rules	CR
Superior Court Civil Arbitration Rules	SCCAR
Superior Court Special Proceedings Rules	SPR
Superior Court Guardian ad Litem Rules	GALR
Superior Court Criminal Rules	CrR
Superior Court Special Proceeding Rules--Criminal	SPCR
Superior Court Mental Proceedings Rules	MPR
Juvenile Court Rules	JuCR

PART V: RULES FOR COURTS OF LIMITED JURISDICTION

Administrative Rules for Courts of Limited Jurisdiction	ARLJ
Rules for Appeal of Decisions of Courts of Limited Jurisdiction	RALJ
Civil Rules for Courts of Limited Jurisdiction	CRLJ
Criminal Rules for Courts of Limited Jurisdiction	CrRLJ
Infraction Rules for Courts of Limited Jurisdiction	IRLJ

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 1.1
APPLICATION OF RULES

1 These arbitration rules apply to arbitration of civil actions under RCW 7.06. These rules do not
2 apply to arbitration by private agreement or to arbitration under other statutes, except by
3 stipulation under rule 8.1.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 1.2
MATTERS SUBJECT TO ARBITRATION

1 A civil action, other than an appeal from a court of limited jurisdiction, is subject to arbitration
2 under these rules if the action is at issue in a superior court in a county which has authorized
3 arbitration under RCW 7.06, if (1) the action is subject to arbitration as provided in RCW 7.06,
4 (2) all parties, for purposes of arbitration only, waive claims in excess of the amount authorized
5 by RCW 7.06, exclusive of attorney fees, interest and costs, or (3) the parties have stipulated to
6 arbitration pursuant to rule 8.1.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 1.3
RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES

1 [Unchanged]

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26 Suggested Amendment MAR 1.3
Page 1

Washington State Bar Association
1325 Fourth Ave - Suite 600
Seattle, WA 98101-2539

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 2.1
TRANSFER TO ARBITRATION

1 [Unchanged]

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26 Suggested Amendment MAR 2.1
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 2.2
COURT MAY DETERMINE ARBITRABILITY

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[Unchanged]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 2.3
ASSIGNMENT TO ARBITRATOR

1 [Unchanged]

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26 Suggested Amendment MAR 2.3
Page 1

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)

RULE 3.1
QUALIFICATION

1 Unless otherwise ordered or stipulated, an arbitrator must be a member in good standing of the
2 Washington State Bar Association who has been admitted to the Bar for a minimum of 5 years,
3 or who is a retired judge. The parties may stipulate to a nonlawyer arbitrator.

4 Unless waived pursuant to RCW 7.06.040(2)(b), a person may not serve as an arbitrator unless
5 the person has completed a minimum of three credits of Washington State Bar Association
6 approved continuing legal education credits on the professional and ethical considerations for
7 serving as an arbitrator. A person serving as an arbitrator must file a declaration or affidavit
8 stating or certifying to the appointing court that the person is in compliance with the
9 qualifications described in RCW 7.06.040. The court is authorized to remove an individual from
10 a list of qualified arbitrators for good cause.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 3.2
AUTHORITY OF ARBITRATORS

1 [Unchanged]

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26 Suggested Amendment MAR 3.2
Page 1

**SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**

RULE 4.1

RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR AND PARTIES

1 [Unchanged]

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26 Suggested Amendment MAR 4.1
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)

RULE 4.2
DISCOVERY

1 After the assignment of a case to the arbitrator, a party may conduct discovery as follows: (1)
2 request from the arbitrator an examination under CR 35; (2) request admissions from a party
3 under CR 36; and (3) take the deposition of another party. A party may request additional
4 discovery from the arbitrator, including interrogatories, and the arbitrator will allow additional
5 discovery only when reasonably necessary.

**SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**

**RULE 4.3
SUBPOENA**

1 [Unchanged]

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26 Suggested Amendment MAR 4.3
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 5.1
NOTICE OF HEARING

1 The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of
2 the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall
3 be scheduled to take place not sooner than 21 days, nor later than 75 days, from the date of the
4 assignment of the case to the arbitrator. The hearing shall take place in appropriate facilities
5 provided or authorized by the court.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 5.2
PREHEARING STATEMENT OF PROOF

1 [Unchanged]

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26 Suggested Amendment MAR 5.2
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 5.3
CONDUCT OF HEARING –WITNESSES—RULES OF EVIDENCE

1 **(a) – (c)** [Unchanged]

2 **(d)** Certain Documents Presumed Admissible. The documents listed below, if relevant, are
3 presumed admissible at an arbitration hearing, but only if (1) the party offering the document
4 serves on all parties a notice, accompanied by a copy of the document and the name, address and
5 telephone number of its author or maker, at least 14 days prior to the hearing in accordance with
6 SCCAR 5.2; and (2) the party offering the document similarly furnishes all other related
7 documents from the same author or maker. This rule does not restrict argument or proof relating
8 to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine
9 the weight of the evidence after hearing all of the evidence and the arguments of opposing
10 parties. The documents presumed admissible under this rule are:

11 **(d)(1) – (d)(7)** [Unchanged]

12 **(e)** [Unchanged]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 5.4
ABSENCE OF PARTY AT HEARING

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 6.1
FORM AND CONTENT OF AWARD

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)

RULE 6.2
FILING OF AWARD

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 6.3
JUDGMENT ON AWARD

1 [Unchanged]

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26 Suggested Amendment MAR 6.3
Page 1

Washington State Bar Association
1325 Fourth Ave - Suite 600
Seattle, WA 98101-2539

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 6.4
COSTS AND ATTORNEY FEES

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)

RULE 7.1
REQUEST FOR TRIAL DE NOVO

1 (a) [Unchanged]

2 (b) Form. The request for a trial de novo shall not refer to the amount of the award,
3 including any award of costs or attorney fees, and shall be substantially in the form set
4 forth below, and must be signed by the party:
5

6 SUPERIOR COURT OF WASHINGTON
7 FOR () COUNTY

)	
)	No. _____
Plaintiff,)	
)	REQUEST FOR
v.)	TRIAL DE NOVO
)	
)	
Defendant.)	

13 TO: The clerk of the court and all parties:

14 Please take notice that (name of aggrieved party) requests a trial de novo from the award filed
15 _____ (date) _____.

16 Dated: _____

17 _____
(Signature of aggrieved party)
(Printed Name): _____
(Title, if applicable) _____

20 _____
(Name of attorney for aggrieved party)

21 (c) – (d) [Unchanged]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)
RULE 7.3
COSTS AND ATTORNEY FEES

1 [Unchanged]

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**SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**

**RULE 8.1
STIPULATIONS**

1 [Unchanged]

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**SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**

**RULE 8.2
LOCAL RULES**

1 [Unchanged]

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**SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**

**RULE 8.3
EFFECTIVE DATE**

1 [Unchanged]

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)

RULE 8.4
TITLE AND CITATION

1 These rules shall be known and cited as the Superior Court Civil Arbitration Rules. SCCAR is
2 the official abbreviation.

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**SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL ARBITRATION RULES (SCCAR)**

**RULE 8.5
STATUS OF COMMENTS**

1 [Unchanged]

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Appendix C

Stakeholders List

COURTS	
Organization	Name
Supreme Court	Shannon Hinchcliffe AOC Liaison
Court of Appeals, Div. 1	Presiding Chief Judge Laurel Siddoway
Court of Appeals, Div. 2	Chief Judge Brad Maxa
Court of Appeals, Div. 3	Judge Kevin Korsmo
Superior Court Judges Association (SJCA)	Judge Blaine Gibson
District & Municipal Court Judges Association (DMCJA)	Judge G. Scott Marinella, President Judge Jeffrey Goodwin, Chair of Rules Cmte

SPECIALTY BARS	
Organization	Name
WA Defense Trial Lawyers (WDTL)	Jon Morrone (Court Rules)
	Erin Hammond, President
	Jennifer Campbell, President-elect
WA Association for Justice (WSAJ)	Ann Rosato, President
	John Allison, President- Elect
	Jane Morrow(Chair, Court Rules)
	Christopher Love, Vice- Chair Court Rules)
	Kyle Olive
NW Justice Project	Deborah Perluss, Director of Advocacy/General Counsel
WA Association of Criminal Defense Lawyers	Louis Frantz, President
WA Appellate Lawyers Association	Shelby Forst Lemmel, Co- Chair

Stakeholders List

SPECIALTY BARS	
	Valerie Villacin, Co-Chair
WA Defender Association	Keith Tyne, President Daryl Rodrigues, President-elect
International Assoc. of Defense Counsel (IADC)	John T. Lay Jr.
WA Assoc. of Prosecuting Attorneys (WAPA)	Pam Loginsky, Staff Attorney Denis Tracy, President Richard Weyrich
WA State Assoc. of Municipal Attorneys (WSAMA)	Walter Snyder, President
Public Defenders Association	Lisa Daugaard, Director
ACLU of WA	Kathleen Taylor, Executive Director
International Association of Defense Counsel (IADC)	Mary Beth Kurzak, Executive Director
Columbia Legal	Nick Allen

MINORITY BAR ASSOCIATIONS	
Organization	Name
Asian Bar Association	James Chung President
Cardozo Society	Aric Bomsztyk President
Filipino Lawyers of WA	Jennifer Cruz President
QLaw – LGBT Bar Assoc.	Dan Shih President
Korean Bar Assoc.	Paige Hardy President
Latina/Latino Bar Assoc.	Veronica Quinonez President Debra Akhbari

Stakeholders List

MINORITY BAR ASSOCIATIONS	
	President-Elect
Loren Miller Bar Assoc.	Erika Evans President Raina Wagner President-Elect
Middle Eastern Legal Assoc.	Shamimi Mohandessi President Mohamed Khalil President-Elect
Mother Attorneys Mentoring Assoc.	Stephanie Berntsen President
Northwest Indian Bar Assoc.	Sarah Lawson President Christina Parker President-Elect
Pierce County Minority Bar Assoc.	Mark Brady President Desiree Hosannah, President-Elect
Slavic Bar Assoc.	Barry Wallis President
South Asian Bar Assoc.	Smriti Chandrashekar President
Vietnamese American Bar Assoc.	D.Sho Ly President Melanie Nguyen President-Elect
WA Attorneys with Disabilities Assoc.	Conrad Reynoldson President
WA Veterans Bar Assoc.	Thomas Jarrad President
WA Women Lawyers	Lisa Keler President President-Elect

SECTIONS

Paris Eriksen, WSBA Sections Program Manager, distributed all rule proposals by email to Section Leaders.

Stakeholders List

COUNTY BAR ASSOCIATIONS	
Organization	Name
Adams County	Steven Herbert Sackmann
Asotin, Columbia, Garfield County (Hells Canyon Bar Assoc.)	Kate Hawkins
Benton-Franklin County	Diana N. Ruff
Chelan-Douglas County	Travis C. Brandt
Clallam County	Ariel Speser
Clark County	Mark Sampath
Cowlitz-Wahkiakum County	Meredith Long
East King County	Chris Pirnke
Ferry County	James Von Sauer
Grant County	Jamie Cordell
Grays Harbor County	Jean Cotton
Island County	Anna Thompson
Jefferson County	Nathanial Jacob
King County	Andrew J. Prazuch, Executive Director
	Harry Schneider, President
Kitsap County	Tom Weaver
Kittitas County	Tony Swartz
Klickitat-Skamania County	Joanne Gallagher
Lewis County	Jakob McGhie
Lincoln County	Lee Russell McGuire Jr.
Mason County	Julie Sund Nichols
Okanogan County	Ted Reinbold
Pacific County	Edward Penoyar
Pend Oreille County	Douglas Lambarth
San Juan County	John Chessell
Skagit County	Heather Webb
Snohomish County	Richard Jones
South King County	Katelyn Smythe
Spokane County	Julie Griffith, Executive Director
	William Symmes, President
Stevens County	Nicholas Force
Tacoma-Pierce County	Kit Kasner, Executive Director

Stakeholders List

COUNTY BAR ASSOCIATIONS	
	Steven Merrival, President
Thurston County	Mark Wheeler
Walla Walla County	Jill Peitersen
Whatcom County	Lisa Saar
Whitman County	Luke E. Baumgarten
Yakima County	Quinn Dalan

OTHER STAKEHOLDERS	
Organization	Name
Office of Assigned Counsel (Thurston County)	Patrick O'Conner (Superior Court)
	Alex Frix (District Court)
	Sharonda D. Amamilo (Family and Juvenile Court)
Office of Assigned Counsel (Pierce County)	Kriston McDonough, Lead Attorney (Civil Contempt Unit)
	Jessica Campbell (District Court)
Tacoma Municipal Court Unit	Denise Whitley
Access to Justice Board	Salvador Mungia, Chair
Limited License Legal Technician Board	Steve Crossland, Chair
Limited Practice Board	Crystal Flood, Chair
MCLE Board	John Bender, Chair
N/A	Karl Tegland
AGs Office	Rebecca Glasgow
Kitsap County Bar Assoc. Civil Practice & Proc. Cmte	Phil Havers
N/A	Elizabeth Turner
N/A	Shannon Kilpatrick

Appendix D

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J_C.JOHNSON@COURTS.WA.GOV

October 23, 2018

Ms. Paula Littlewood
Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Ms. Littlewood:

Recently, the Supreme Court Rules Committee requested the Washington State Bar Association's Court Rules and Procedures Committee review the current statewide Mandatory Arbitration Rules (MAR) as a result of legislation enacted effective September 1, 2018. I understand that a MAR subcommittee has been convened to complete this request.

On August 15, 2018, the Rules Committee received a request from Ms. Barbara Miner, King County Superior Court Clerk, to clarify the language of MAR 7.2. I am sharing this request with you in case it may be prudent for the subcommittee to consider it during its review process.

Very truly yours,

Charles W. Johnson, Chair
Supreme Court Rules Committee

Enclosure

cc: Ms. Nicole Gustine, WSBA Assistant General Counsel
Mr. Jefferson Coulter, WSBA Court Rules and Procedures Committee Chair



King County

Department of Judicial Administration
Barbara Miner
Director and Superior Court Clerk
(206) 296-9300 (206) 296-0100 TTY/TDD

August 15, 2018

Justice Charles Johnson, Chair
Supreme Court Rules Committee
PO Box 40929
Olympia, WA 98504-0929

Re: Mandatory Arbitration Rule 7.2

Dear Justice Johnson:

I write with a question and possible suggested rule edit regarding MAR 7.2.

Highlighted below is section (a) of MAR 7.2 which dictates the sealing of the arbitration award upon the filing of a de novo request. The language in the other sections goes on to instruct keeping the arbitration award information completely out of court filings and hearings as the case proceeds through the de novo process.

My question is in regard to the audience to whom the arbitration award is sealed. Pursuant to the current rule language, Clerks around the state would seal the document and not allow public or parties access to the arbitration award. However, it is regular procedure that a document which is sealed is accessible to any judicial officer of that court. Is that what is intended by this rule language?

Historically we interpreted old rule language or case law to mean that judicial officers were prohibited from accessing/viewing arbitration awards, though parties were allowed access. It appears the current language does the exact opposite: it allows judicial officers to see the award, but the parties are prohibited.

If the intent of the language is to keep judicial officers who might be handling the de novo trial from seeing the award, I would suggest that a rule change is necessary. Perhaps something like this language could be added to the current language: "judicial officer access to the award is also prohibited." Or this edit could be applied: "The clerk shall seal any arbitration award from judicial officers if a de novo is requested."

Seattle:
516 Third Avenue Room E609
Seattle, WA 98104-2386

Regional Justice Center:
401 Fourth Avenue North Room 2C
Kent, WA 98032-4429

Juvenile Division:
1211 East Alder Room 307
Seattle, WA 98122-5598

Justice Charles Johnson
August 15, 2019
Page 2

Current Mandatory Arbitration Rule 7.2 language:

RULE 7.2

PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO

~~(a) Sealing. The clerk shall seal any award if a trial de novo is requested.~~

(b) No Reference to Arbitration; Use of Testimony.

(1) The trial de novo shall be conducted as though no arbitration proceeding had occurred. No reference shall be made to the arbitration award, in any pleading, brief, or other written or oral statement to the trial court or jury either before or during the trial, nor, in a jury trial, shall the jury be informed that there has been an arbitration proceeding.

(2) Testimony given during the arbitration proceeding is admissible in subsequent proceedings to the extent allowed by the Rules of Evidence, except that the testimony shall not be identified as having been given in an arbitration proceeding.

(c) Relief Sought. The relief sought at a trial de novo shall not be restricted by RCW 7.06, local arbitration rule, or any prior waiver or stipulation made for purposes of arbitration.

(d) Arbitrator as Witness. The arbitrator shall not be called as a witness at the trial de novo.

Proposed Mandatory Arbitration Rule 7.2 language:

RULE 7.2 (version 1)

PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO

~~(a) Sealing. The clerk shall seal any award from judicial officers if a trial de novo is requested.~~

....

Or

RULE 7.2 (version 2)

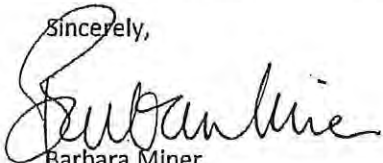
PROCEDURE AFTER REQUEST FOR TRIAL DE NOVO

~~(b) Sealing. The clerk shall seal any award if a trial de novo is requested. Judicial officer access to the award is also prohibited.~~

....

Thank you for your attention to this and please feel free to contact me should you have questions or need more information. I can be reached at (206) 477-0777.

Sincerely,



Barbara Miner
King County Superior Court Clerk

cc: Shannon Hinchcliffe, Office of Legal Services and staff to Superior Court Rules Committee

From: Sherry Lindner
To: "Jon C. Parker"
Subject: RE: EHB 1128 - MAR Amendments
Date: Thursday, October 25, 2018 8:56:00 AM

Received.

Thank you for your comment.

Sherry Lindner | Paralegal | Office of General Counsel
Washington State Bar Association | T 206.733.5941 | F 206.727.8314 | sherryl@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539

From: Jon C. Parker [mailto:jon@hoquiamlaw.com]
Sent: Wednesday, October 24, 2018 2:21 PM
To: WSBA CourtRules
Subject: EHB 1128 - MAR Amendments

I realize that the request for comments is largely an exercise in cosmetics but I am submitting my thoughts anyway.

1. I have been an attorney for 44 years and have mediated and arbitrated many cases. I do not think I need additional CLE to do that job. Why not state in the rule that the CLE requirement applies to attorneys that have not been in practice for at least 10 years or cannot swear that they have arbitrated/mediated at least X number of cases?
2. Allowing discovery defeats the purpose of the rule. Insurance company attorneys and wealthy parties can take advantage of poorer parties with discovery. The current rule works fine by halting discovery for the most part.
3. I do not see a good reason for a party having to sign the request for a *de novo* trial. An attorney is defined as one who is appointed and authorized to act in the place or stead of another. Attorneys sign pleading for clients all of the time and there are times when the client is not available to sign and return such a document.

Jon C. Parker

Parker, Winkelman & Parker, PS
P.O. Box 700
813 Levee Street
Hoquiam, WA. 98550
(360) 532-5780
Fax (360) 532-5788

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recommending to another party any transaction or matter that is addressed herein.

From: Sherry Lindner
To: "[Roger Leed](#)"
Subject: RE: new arbitration rules to replace MAR
Date: Friday, October 26, 2018 10:15:00 AM

Received.

Thank you for your comment.

Sherry Lindner | Paralegal | Office of General Counsel
Washington State Bar Association | T 206.733.5941 | F 206.727.8314 | sherryl@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539

From: Roger Leed [mailto:rmleed@comcast.net]
Sent: Thursday, October 25, 2018 12:55 PM
To: WSBA CourtRules
Subject: new arbitration rules to replace MAR

Non-lawyers should not be allowed to handle Superior Court arbitrations. The parties have no right to transfer a court-authorized and supervised proceeding to the hands of someone not under court supervision and not subject to the legal ethics standards that apply to member of the Bar. There are no standards applicable to this non-lawyer arbitrator chosen by stipulation. Does the arbitrator need to be of age? a citizen? may a felon serve? Can it be someone who does not subscribe to the U.S. Constitution and regime of law? Proposed Rule 3.1 should be amended accordingly.

Rule 4.2 leaves it unclear whether the arbitrator has authority to enforce the discovery court rules. Who has that authority when the discovery takes places after the matter is assigned to arbitration? This needs to be explicitly addressed.

Rule 5.1 should be amended to authorize the parties to stipulate to hearing venue. I usually hold the hearing at the offices of one of the parties since that is more convenient for witnesses and parties. We consider factors such as commute time, availability of facilities for video or conference calls, parking, availability of public transit, handicapped access, and distance traveled by those involved in the hearing. Why restrict this practice?

Law Offices of Roger M. Leed
1826 East Hamlin Street
Seattle, WA 98112-2006
(206) 795-0513 (cell)
rmleed@comcast.net

From: [Korsmo, Kevin](#)
To: [Sherry Lindner](#); [Hinchcliffe, Shannon](#); [Siddoway, Laurel](#); [Maxa, Bradley](#); hdclarke@spokanecounty.org; gsm.judge@gmail.com; fdacca@co.pierce.wa.us
Cc: [Jefferson Coulter](#); [Nicole Gustine](#)
Subject: RE: Feedback Requested: WSBA Court Rules and Procedures Committee/MAR Proposals
Date: Tuesday, October 30, 2018 9:19:46 AM
Attachments: [image001.png](#)

The Court of Appeals Rules Committee has reviewed the proposed rules and will not be commenting on them.

Thank you for asking.

KK

From: Sherry Lindner [mailto:sherryl@wsba.org]
Sent: Wednesday, October 24, 2018 10:52 AM
To: Hinchcliffe, Shannon <Shannon.Hinchcliffe@courts.wa.gov>; Siddoway, Laurel <Laurel.Siddoway@courts.wa.gov>; Maxa, Bradley <J_B.Maxa@courts.wa.gov>; Korsmo, Kevin <Kevin.Korsmo@courts.wa.gov>; hdclarke@spokanecounty.org; Michael.downes@snoco.org; gsm.judge@gmail.com; fdacca@co.pierce.wa.us
Cc: Jefferson Coulter <Jeffersonc@NWJustice.org>; Nicole Gustine <nicoleg@wsba.org>
Subject: Feedback Requested: WSBA Court Rules and Procedures Committee/MAR Proposals

Greetings,

The legislature enacted [EHB 1128](#)-Civil Arbitration which was effective September 1, 2018. The Supreme Court has asked the WSBA Court Rules and Procedures Committee to review the legislation. These proposed changes would make the entire class of MARs consistent with that bill and corresponding amendments to RCW Chapter 7.06, Mandatory Arbitration of Civil Actions (Now, Arbitration of Civil Actions). GR 1 is also amended to change the acronym from MAR to SCCAR.

The Committee is reaching out to stakeholders for comments and feedback on its proposals.

Stakeholder input is crucially important in the rulemaking process and assists the subcommittee in making an informed decision.

Attached please find materials submitted by Stephanie Dikeakos.

Please submit your feedback/comments to WSBACourtRules@wsba.org by January 1, 2019.

Thank you,



Sherry Lindner | Paralegal | Office of General Counsel

Washington State Bar Association | T 206-733-5941 | F 206-727-8314 | sherryl@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

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From: Sherry Lindner
To: "Favian Valencia"
Subject: RE: Proposed Arbitration Edits
Date: Wednesday, October 31, 2018 8:31:00 AM

Received.

Thank you,

Sherry Lindner | Paralegal | Office of General Counsel
Washington State Bar Association [T 206.733.5941|F 206.727.8314| sherryl@wsba.org
1325 Fourth Avenue, Suite 600|Seattle, WA 98101-2539

From: Favian Valencia [mailto:favian@sunlightlaw.com]
Sent: Wednesday, October 31, 2018 8:14 AM
To: WSBA CourtRules
Subject: Proposed Arbitration Edits

Thanks for reaching out. I approve the proposed amendments to the rule. Thanks!

Favian Valencia
Attorney
Sunlight Law, PLLC
402 E. Yakima Ave, Suite 730
Yakima Washington 98901
800.307.1261
www.sunlightlaw.com

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From: Sherry Lindner
To: "Brad Smith"
Subject: RE: Comments on Civil Arbitration Rules
Date: Monday, November 05, 2018 9:43:00 AM

Received.

Your comment will be forwarded to the Committee.

Thank you,
Sherry

Sherry Lindner | Paralegal | Office of General Counsel
Washington State Bar Association | T 206.733.5941 | F 206.727.8314 | sherryl@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539

From: Brad Smith [mailto:brads@feltmanewing.com]
Sent: Monday, November 05, 2018 8:19 AM
To: WSBA CourtRules
Subject: Comments on Civil Arbitration Rules

First a Disclaimer. I am the Legislative Committee Chair for the WDTL. I was very involved in the last three years in the negotiations and actions resulting in the current legislative change. Many of the arguments below were proposed (and ultimately rejected) by the WA legislature in adopting the new changes.

The 100K limit is too high, especially without changes in: 1) Discovery allowed in MAR's; and 2) trial de novo requests.

Discovery: We're essentially transferring fairly large, 100K cases, into MAR, with extreme limits on discovery. If the other party or arbitrator do not agree, defendants are faced with only one depo of the plaintiff, limited discovery of experts, etc, and we have to get permission of the arbitrator even for a CR 35 exam. All in a compressed time period. Discovery in cases from 50K to 100K should be expanded.

Trial De Novo: After a trial de novo, costs will go up, and often add'l medical expenses are incurred. All of which add to the plaintiff's eventual recovery. However, there is no provision in the existing legislation or former statute which allows the trial judge, in determining whether the appealing party, has "improved their position" from the arbitration award. At a minimum, the trial judge should have discretion to review all the factors in determining whether attorneys fees should be awarded.

Arbitrator Qualification: The judges should have approved the alternative qualification procedure for experienced arbitrators to avoid having to have the 3 credit CLE to qualify. The Spokane county panel certainly lost many older, experienced arbitrators who did not want to shoulder the expense and time of the CLE.

Brad Smith

WSBA 16435

Brad E. Smith



FELTMAN | EWING

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 F. Lee Campbell • Hoyt Wilbanks • Jack P. Scholfield

December 31, 2018

Sherry Lindner
 Office of General Counsel
 Washington State Bar Association
 1325 Fourth Avenue, Suite 600
 Seattle, WA 98101-2539
 sherryl@wsba.org

Re: WDTL's Position on Proposed Changes to the Mandatory Arbitration Rules

Dear Ms. Lindner,

Thank you for reaching out and requesting input regarding the Washington Defense Trial Lawyers' (WDTL) position on the WSBA Court Rules and Procedures Committee's Suggested Amendments to the Superior Court Mandatory Arbitration Rules (MAR) and General Rules (GR) 1.

WDTL remains opposed to the increase in limits and adoption of HB 1128, which unfairly expand the cases subject to Civil Arbitration while limiting discovery tools essential to preparation of a meaningful defense. The WDTL maintains its belief that the increase in limits for Civil Arbitration will continue to have adverse consequences to the fair and equal administration of justice, as well as to the stated goal of reducing court congestion. A fuller detailing of the reasons for the WDTL's opposition is outlined in the comments WDTL filed prior to adoption of that bill.

Given that the legislature has enacted HB 1128, however, WDTL does not oppose the proposed changes to the Mandatory Arbitration Rules in order to accurately reflect the state of the law. Accordingly, the WDTL does not have any comments to the proposed changes, as they merely reflect the statutory language contained in RCW 7.06.010 *et. seq.*

Sincerely,

Peter M. Ritchie
 President
 Washington Defense Trial Lawyers

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: WSBA President, President-Elect, and Board of Governors

From: J. Donald Curran, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison

Date: April 23, 2019

Re: Recommendation to Revise RPC 1.15A(h)(9)

FIRST READING: Proposed revision to RPC 1.15A(h)(9) to permit LLLTs to sign trust account checks without a second signature from a lawyer. Pursuant to the Board of Governors' approval this proposed revision will be submitted to the Supreme Court in accordance with GR 9.

The Committee on Professional Ethics (CPE) is recommending a revision to RPC 1.15A(h)(9) which currently limits who can be a signatory on a lawyer trust account. While it permits an LLLT to be a signatory, the second sentence of RPC 1.15A(h)(9) states: "If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm." The CPE recommends striking that sentence, thereby permitting an LLLT to be a signatory on a law firm's trust account without restrictions.

Before the 2006 RPC amendments, anyone could be a signatory on a trust account without restrictions, and law firms frequently included bookkeepers or other nonlawyer staff as signatories. The Ethics 2003 Committee proposed that RPC 1.15A only permit lawyers to be signatories to protect against theft by nonlawyers employed at law firms, and this change was made to the RPC. The rule was later amended to permit LLLTs to be signatories with the limitation noted above.

The CPE believes the requirement for a second signature by a lawyer on any instrument signed by an LLLT is not necessary and unduly limits an LLLT's ability to disburse funds from a trust account. Unlike nonlawyers, LLLTs are licensed legal professionals, so an LLLT stealing from a trust account would be subject to discipline. Additionally, the rule makes it more difficult for an LLLT to disburse funds to the LLLT's own clients because the LLLT has to obtain the signature of a lawyer on the check. At small firms, there may only be one lawyer authorized to sign and if that person is out of the office, the LLLT's clients may be unnecessarily delayed in receiving checks.

Another unintended consequence is that the rule creates a circumstance where if an LLLT is not in a law firm associated with lawyers, the LLLT would be authorized to sign a check alone, while an LLLT who is part of a firm associated with lawyers would not be permitted to do so.

Moreover, the CPE views the requirement for a lawyer to co-sign any check signed by an LLLT to be confusing and likely cause lawyers to unwittingly violate the rule. Lawyers may assume from the first sentence of the rule that when the LLLT is a signatory on the account as that term is generally understood, and they may overlook the requirement for dual signatures.

Because the Lawyer RPC and the LLLT RPC are closely aligned, the CPE communicated its concerns about the issue to the LLLT Board along with a suggested revision to fix the problem. On February 11, 2019, the LLLT Board approved a proposed amendment to the LLLT RPC which exactly parallels the proposed CPE amendment.

The LLLT board intends to send the corresponding LLLT RPC change to the Supreme Court as a proposed companion rule change to the proposed Lawyer RPC 1.15A(h)(9) revision. If any lawyer rule revision is inconsistent with the now approved LLLT Board proposed amendment, the LLLT board will likely find it necessary reconsider their proposed revision.

For these reasons, the CPE recommends proposing a rule revision to strike the second sentence of RPC 1.15A(h)(9), as set forth in the attached redlined version of the rule. Pursuant to the Board of Governors' approval this proposed revision will be submitted to the Supreme Court in accordance with GR 9.

Attachment:

- RPC 1.15A(h)(9) (Redline version)

Red-line of proposed revision to RPC 1.15(h)(9)

(h) A lawyer must comply with the following for all trust accounts:

...

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. ~~If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.~~

WASHINGTON STATE
BAR ASSOCIATION
Mandatory Malpractice Insurance Task Force

MEMO

To: WSBA Board of Governors

From: Hugh Spitzer, Chair of Mandatory Malpractice Insurance Task Force
Douglas J. Ende, WSBA Chief Disciplinary Counsel, Staff Liaison

Date: April 30, 2019

Re: Action on the Mandatory Malpractice Insurance Task Force Report and
Recommendations

Action: Approve the suggested APR 26 amendments and recommendations from the Mandatory Malpractice Insurance Task Force for submission to and consideration by the Washington Supreme Court according to its GR 9 procedures.

At its March 2019 meeting, the Board considered and heard comment on the Mandatory Malpractice Insurance Task Force's Report. The Report is the culmination of a year-long effort to investigate the nature and the consequences of uninsured lawyers, to examine current mandatory malpractice insurance systems, and to gather information and comments from WSBA members and other interested parties regarding the concept of mandatory malpractice insurance. The Report includes the Task Force's recommendations and a draft of proposed amendments to Admission and Practice Rule (APR) 26.

On April 22, 2019, the Board further held a special meeting for the purpose of receiving and hearing comment on the Task Force's Report and recommendations. Enclosed is a memorandum from Task Force Chair Hugh Spitzer addressing some of the points raised during the special meeting.

With this Memo, the Task Force asks that the Board approve its suggested APR 26 amendments and recommendations for submission to and consideration by the Washington Supreme Court according to its General Rule (GR) 9 procedures.

Enclosure

April 29, 2019

Memorandum

To: Board of Governors, WSBA
From: Hugh Spitzer, Chair, Mandatory Malpractice Insurance Task Force
Re: Follow-up from April 22 Forum

I was pleased with the level of participation and the diversity of opinion at the Board of Governors' April 22 meeting to receive additional member and public comment on the recommendations from the Mandatory Malpractice Insurance Task Force. Many of the issues and questions raised by various speakers received responses from other speakers and from the staff during the meeting. Nevertheless, there were several comments from people who testified that I thought deserved additional responses or clarification. These comments and responses are provided below.

Comment: The Task Force's recommended minimum amount of malpractice insurance was arbitrarily determined.

Response: As discussed on pp. 44-47 of the Task Force Report, the policy coverage minimum of \$250,000/\$500,000 was recommended to cover the vast majority of potential claims. As discussed on p. 17 of the Task Force Report, nationally, 89.1% of malpractice claims are resolved for less than \$100,000. 95.2% of claims are resolved for less than \$250,000. Further, the WSBA-endorsed professional liability provider, ALPS, reports that over the past ten years, 97% of its closed claims were resolved for less than \$250,000. The Task Force considered recommending a minimum level at \$100,000/\$300,000, as in Idaho. But the Task Force was concerned that a minimum at \$100,000 per incident would not address a sufficient number of claims, particularly where defense costs are deducted from the coverage amount.

Comment: The Task Force should have recommended that the Board of Governors refer the concept of mandatory malpractice insurance to a vote of the WSBA membership.

Response: When the topic of a vote by members was raised both in written comments and in a comment at the October 2018 public forum, the Task Force looked carefully at its Charter. In that Charter, the Board of Governors asked the Task Force "whether to recommend adoption of

a mandatory malpractice insurance requirement,” and if so to “determine the most suitable contours of such as system.” The Task Force was not asked to consider or comment on the process undertaken by the Board of Governors to consider and act on our recommendations.

Comment: Several people who spoke at the April 22 forum stated that their comments had been “ignored” by the Task Force.

Response: The Task Force carefully considered all of the comments received—both written and verbal suggestions. Those comments substantially affected the ultimate Task Force recommendations, particularly in the area of recommended exemptions. For example, several commenters emphasized that it was important that the Task Force demonstrate the existence of problems resulting from some lawyers’ lack of professional liability insurance. This caused the Task Force to engage in substantially more research and to significantly expand the report in that regard. The seriousness with which the Task Force took member concerns is reflected in the number of pages devoted to describing those concerns (see pp. 32-37). In addition, the Task Force included a separate section to discuss the exemptions that were suggested but not adopted as recommendations by the Task Force (see pp. 50-52). The fact that the Task Force declined to adopt a specific suggestion from a commenter does not mean that the suggestion was not taken seriously—the Task Force simply was not persuaded that the comment’s recommendation was the “right” answer or that it was workable from a practical standpoint.

Comment: One person who spoke at the April 22 meeting asserted that the implementation of a malpractice insurance mandate would increase the number of claims and lawsuits against lawyers.

Response: As discussed at p. 17 of the Task Force Report, some evidence suggests that where insurance is mandated, claim rates rise. In Oregon, where all resident lawyers in private practice are covered by a professional liability fund, the annual claim rate is about 12.4% per 100 covered lawyers compared with a national claim rate of less than six percent. The cause of Oregon’s higher rate of claims is not clear. Oregon’s system includes a large percentage of claims self-reported by the covered lawyers. Oregon lawyers might be more willing to report all possible claims to the PLF than are privately-insured lawyers because reported claims will not affect the lawyers’ assessment (premium), which is equal for all covered Oregon lawyers regardless of claims history. It is therefore difficult to conclude whether Oregon’s claim rate is the result of (1) claimants filing more claims because their lawyers are insured and thus the clients have expanded access to a potential remedy, or (2) covered lawyers seeking benefits under the Plan, or (3) both. For lawyers, the benefits of quick reporting to the professional liability fund is that the fund provides:

- Repair: the attempted correction of the alleged error before it damages the client. In 2018, over 13% of Oregon non-litigated claims were closed due to being repaired. 2018 PLF Annual Report, at 8.
- Defense of the lawyer: retention of a malpractice lawyer to advise the covered lawyer in defending the claim, sometimes aggressively. In 2018, 17% of Oregon litigated claims were resolved in favor of the lawyer while 1% were resolved in favor of the claimant. 2018 PLF Annual Report, at 8.

The Oregon professional liability fund 2018 Annual Report is available at:

https://www.osbplf.org/assets/documents/annual_reports/2018%20PLF%20Annual%20Report.pdf.

Comment: Lawyers will stop doing volunteer work if insurance is mandated.

Response: This is a legitimate concern, and one that the Task Force took very seriously. Please see p. 35 of the Report, which describes the widespread availability of insurance for volunteer lawyers, provided through Qualified Legal Services Providers (QLSPs) and Volunteer Lawyer Programs (VLPs). However, it was noted, on p. 53, that QLSP and VLP coverage is not as easily available in 20 of the state’s counties, *i.e.*, in sparsely-populated counties. It was noted on p. 53 that developing an expanded pro bono insurance program was beyond the Task Force’s scope. But the Report also stated that prior to implementation of mandatory malpractice insurance, the WSBA should work with the Statewide Pro Bono Council and various bar associations to increase the access of all volunteer lawyers to coverage when they perform pro bono services under the auspices of a local organization or program. At the same time, the Report emphasized that while this would take some time, the basic decision to move ahead with mandating insurance should not be delayed.

Comment: Lawyers whose private practice consists solely of volunteer service to a nonprofit organization should not be required to carry insurance.

Response: This topic was carefully considered by the Task Force and is discussed on p. 51 of the Report. After debate, the Task Force concluded that there is no difference between the actual harm of legal malpractice to an organization and the harm of malpractice to an individual pro bono client. Lawyers in both instances make mistakes, and the clients in both instances deserve access to a remedy.

Comment: Lawyers with “substantial net worth” should be permitted to opt out of malpractice insurance.

Response: The Task Force discussed, at some length, this and other alternatives to required insurance. The Task Force determined that it would be quite difficult to accurately confirm that an individual’s net worth is at a sufficient level and whether that net worth is being maintained. Further, it is important to ensure that assets to compensate an injured client are readily available for payment. The Task Force discussed allowing substitute alternate financial guarantee instruments to be available—specifically letters of credit or performance bonds. These could be workable, although they each involve some cost and complications, as discussed on pp. 44-45 of our Report.

Comment: Mandated malpractice insurance will result in the constructive “disbarment” of lawyers who are unable to obtain insurance (or reasonably-priced insurance) and put the State Supreme Court’s authority over who practices law into the hands of private insurance companies.

Response: The Supreme Court will continue to have control over the practice of law. The Court would simply be adding a requirement to a number of existing requirements, such as that of a law school education (or clerking equivalent), a bar exam, and MCLE requirements. Insurers, in determining whom to insure, would not wrest control away from the Court any more than law schools do by determine determining whom to admit. Furthermore, the Task Force was satisfied, based on Professor Leslie Levin’s research and testimony from speakers from various aspects of the insurance industry, that virtually all lawyers will be able to obtain insurance. The Task Force recognizes that some lawyers—who are viewed by insurers to be higher malpractice risks—are likely to be charged higher premiums. But the Idaho State Bar made malpractice insurance mandatory effective January 1, 2018, and its Executive Director confirmed that no Idaho lawyer has reported being unable to obtain malpractice insurance coverage. See p. 36 of the Task Force Report. Similarly, in Professor Levin’s 2016 study of uninsured Arizona, New Mexico and Connecticut lawyers, 207 lawyers responded to explain why they were uninsured, and none cited an inability to obtain coverage. (One lawyer indicated an inability to afford coverage.) Leslie C. Levin, *Lawyers Going Bare and Clients Going Blind*, 68 Fla. L. Rev. 1293 and n.65 (2016).

Comment: Making professional liability mandatory will increase the cost of malpractice insurance to most lawyers, across the board.

Response: The Task Force concluded that the private market will keep rates competitive within the context of the relevant risk pool. If anything, the increase in policyholders would encourage

more insurers to write policies in Washington, thereby increasing rate competition. Note that Oregon's Professional Liability Fund *decreased* its annual assessment (premium) from \$3,500 in 2018 to \$3,300 in 2019, and expects it to remain at \$3,300 in 2020. See 2018 PLF Annual Report, at page 2.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: May 8, 2019
RE: Local and National Trends in Court Reporting

Enclosed please find information from Phyllis Lykken and Liz Harvey from Washington Court Reporters Association. They will share additional information with the Board at its May 16-17, 2019, Board meeting in Yakima.

Enclosures

WASHINGTON COURT
REPORTERS ASSOCIATION
WSBA MEETING APRIL 5, 2019

- 1) Proposed Amendment to WA CR 30(b)(7) – Also see WAC 263-12-117
- 2) Notice of Deposition – Language has changed
- 3) Prohibited Acts – See RCW 42.45.230(e)
- 4) Certification of Court Rule and WAC Compliance – Ask for court rules and WAC compliance
- 5) Contracting History, American Judges Association Resolution, The Alliance of Deposition Firms
PDC Filing, Baker v. US Legal Class Action Complaint
- 6) GR 35 – See (a), (b), (c)2
- 7) CCR WACs Chain of Control , CR 28(e)
- 8) Firm claimed they were not providing court reporting services and did not need to follow CCR
rules in CA
- 9) WCRA Flyer

WA CR 30(b)(7) The parties may stipulate in writing or the court may upon motion order that a deposition be taken by telephone or by other electronic means. For the purposes of this rule and rules 28(a), 37(a)(1), 37(b)(1), and 45(d), a deposition taken by telephone or by other electronic means is taken at the place where the deponent is to answer the propounded questions. If the deponent is not in the officer's physical presence, the officer may nonetheless place the deponent under oath or affirmation with the same force and effect as if the deponent was in the officer's physical presence.

Labor and Industries rule below:

WAC 263-12-117

Perpetuation depositions.

(1) **Evidence by deposition.** The industrial appeals judge may permit or require the perpetuation of testimony by deposition, subject to the applicable provisions of WAC 263-12-115. Such ruling may only be given after the industrial appeals judge gives due consideration to:

- (a) The complexity of the issues raised by the appeal;
- (b) The desirability of having the witness's testimony presented at a hearing;
- (c) The costs incurred by the parties in complying with the ruling; and
- (d) The fairness to the parties in complying with the ruling.

(2) **Telephone depositions:** When testimony is taken by perpetuation deposition, it may be taken by telephone if all parties agree. For good cause the industrial appeals judge may permit the parties to take the testimony of a witness by telephone deposition over the objection of a party after weighing the following nonexclusive factors:

- The need of a party to observe a witness's demeanor.
- Difficulty in handling documents and exhibits.
- The number of parties participating in the deposition.
- Whether any of the testimony will need to be translated.
- Ability of the witness to travel.
- Availability of quality telecommunications equipment and service.
- If a perpetuation deposition is taken by telephone, the court reporter transcribing the deposition is authorized to swear in the deponent, regardless of the deponent's location within or outside the state of Washington.

GR 9 COVER SHEET

Suggested Change to CIVIL RULE 28(a)

A. Name of Proponent: Washington Court Reporters Association

B. Spokespersons:

- Steve Crandall, Esq.
WCRA Past President
2200 Sixth Avenue, Suite 425
Seattle, Washington 98136
206.938.0348
steve@promotionarts.com

- Phyllis Craver Lykken, CCR
WCRA Past President
Legislative Chair
NCRA Past Regional Representative, Western Region
917 Triple Crown Way, Suite 200
Yakima, Washington 98908
509.457.3377
phyllis@centralcourtreporting.com

C. Purpose:

The purpose of the proposed amendment to CR 28(a) is to clarify that “court reporters” are a separate and distinct category of officers before whom depositions may be taken, even if they are not Notaries Public. Historically, court reporters have also been Notaries. However, in 2010, RCW 5.28.010 was amended to include state certified court reporters as an additional category of persons authorized to administer oaths under Washington law. As a result, today many certified court reporters are not Notaries because they do not have to be. That said, many deposition notices still indicate that the deposition will be taken before a Notary Public, under the assumption that court reporters are also Notaries. In situations where the court reporter administering the oath is not a Notary, this opens the deposition up to attack for failure to comply with the Notice. Amending CR 28(a) will clarify for Washington practitioners that deposition notices should state that the deposition will be taken before (i) an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, (ii) a certified court reporter, or (iii) a person appointed by the court in which the action is pending.

D. Hearing: WCRA does not request a hearing.

E. Expedited Consideration: WCRA does not request expedited consideration.

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SUGGESTED CHANGE TO CIVIL RULE 28(a)

(-) **Within the State.** Depositions within the state may be taken before the following officers:

- (1) Court Commissioners. (Reserved. See RCW 2.24.040(9) and (10).)
- (2) Superior Courts. (Reserved. See RCW 2.28.010(7).)
- (3) Judicial Officers. (Reserved. See RCW 2.28.060.)
- (4) Judges of Supreme and Superior Courts. (Reserved. See RCW 2.28.080(3).)
- (5) Inferior Judicial Officers. (Reserved. See RCW 2.28.090.)
- (6) Notaries Public. (Reserved. See RCW 5.28.010 and 42.44.010.)
- (7) Special Commissions. (Reserved. See RCW 11.20.030.)

(a) Within the United States. Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before (i) an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, (ii) a certified court reporter, or (iii) a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony. The term "officer" as used in rules 30, 31, and 32 includes a person appointed by the court or designated by the parties under rule 29.

Superior Court Civil Rules

CR 28 PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

(-) Within the State. Depositions within the state may be taken before the following officers:

- (1) Court Commissioners. (Reserved. See RCW 2.24.040(9) and (10).)
- (2) Superior Courts. (Reserved. See RCW 2.28.010(7).)
- (3) Judicial Officers. (Reserved. See RCW 2.28.060.)
- (4) Judges of Supreme and Superior Courts. (Reserved. See RCW 2.28.080(3).)
- (5) Inferior Judicial Officers. (Reserved. See RCW 2.28.090.)
- (6) Notaries Public. (Reserved. See RCW 5.28.010 and 42.44.010.)
- (7) Special Commissions. (Reserved. See RCW 11.20.030.)

(a) Within the United States. Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before (i) an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, (ii) a certified court reporter, or (iii) a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony. The term "officer" as used in rules 30, 31, and 32 includes a person appointed by the court or designated by the parties under rule 29.

(b) In Foreign Countries. In a foreign country, depositions may be taken:

(1) on notice before a person authorized to administer oaths in the place in which the examination is held, either by the law thereof or by the law of the United States; or

(2) before a person commissioned by the court, and the person so commissioned shall have the power by virtue of the person's commission to administer any necessary oath and take testimony; or

(3) pursuant to a letter rogatory or a letter of request; or

(4) pursuant to the means and terms of any applicable treaty or convention. A commission, a letter rogatory, or a letter of request shall be issued on application and notice, and on terms that are just and appropriate. It is not requisite to the issuance of a commission, a letter rogatory, or a letter of request that the taking of the deposition in any other manner is impracticable or inconvenient; and a commission, a letter rogatory, and a letter of request may all be issued in proper cases. A notice or commission may designate the person before whom the deposition is to be taken either by name or by descriptive title. A letter rogatory may be addressed "To the Appropriate Authority in (here name the country)." A letter of request or any other device permitted by any applicable treaty or convention shall be styled in the form prescribed by that treaty or convention. Evidence obtained in response to a letter rogatory or a letter of request need not be excluded merely for the reason that it is not a verbatim transcript or that the testimony was not taken under oath or for any similar departure from the requirements for depositions taken within the United States under these rules.

(c) Disqualification for Interest. No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

(d) Equal Terms Required. Any arrangement concerning court reporting services or fees in a case shall be offered to all parties on equal terms. This rule applies to any arrangement or agreement between the person before whom a deposition is taken or a court reporting firm, consortium or other organization providing a court reporter, and any party or any person arranging or paying for court reporting services in the case, including any attorney, law firm, person or entity with a financial interest in the outcome of the litigation, or person or entity paying for court reporting services in the case.

(e) Final Certification of the Transcript. The court reporter reporting a deposition shall not certify the deposition transcript until after he or she has reviewed the final version of the formatted transcript. A court reporting firm, consortium, or other organization transmitting a court reporter's certified transcript shall not alter the format, layout, or content of the transcript after it has been certified.

[Adopted effective July 1, 1967; amended effective July 1, 1972; September 1, 1985; September 1, 1993; September 1, 2001; September 1, 2005; April 28, 2015; September 1, 2016; November 22, 2016.]

FILED
NOV - 3 2016
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF CR
28(e) — PERSONS BEFORE WHOM
DEPOSITIONS MAY BE TAKEN

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ORDER

NO. 25700-A-1162

The Washington Court Reporters Association, having recommended the adoption of CR 28(e) — Persons Before Whom Depositions May Be Taken, and the Court having considered the comments submitted thereto, and having determined that the amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and will

become effective upon publication.

743/32

Page 2

ORDER

IN THE MATTER OF THE ADOPTION OF CR 28(e) — PERSONS BEFORE WHOM
DEPOSITIONS MAY BE TAKEN

DATED at Olympia, Washington this 3rd day of November, 2016.

Johnson, J.

Quens, J.

Fairhurst, J.

Steyman, J.

Madsen, C. J.

Wiggins, J.

Conzalez, J.

Ham-Med, Jr.

Ju, J.

RCW 42.45.230**Prohibited acts.**

- (1) A commission as a notary public does not authorize an individual to:
 - (a) Assist persons in drafting legal records, give legal advice, or otherwise practice law;
 - (b) Act as an immigration consultant or an expert on immigration matters;
 - (c) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters;
 - (d) Receive compensation for performing any of the activities listed in this subsection; or
 - (e) Provide court reporting services.
- (2) A notary public may not engage in false or deceptive advertising.
- (3) A notary public, other than an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, may not use the term "notario" or "notario publico."
- (4) A notary public, other than an attorney licensed to practice law in this state or a limited license legal technician acting within the scope of his or her license, may not assist another person in selecting the appropriate certificate required by RCW 42.45.130.
- (5) A notary public, other than an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the director, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media, or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.
- (6) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public. A notary public may not maintain copies or electronic images of documents notarized unless the copies or images are maintained by an attorney or Washington-licensed limited license legal technician acting within his or her scope of practice for the performance of legal services or for other services performed for the client and the copies or images are not maintained solely as part of the notary transaction.

[2017 c 281 § 25.]

RCW 5.28.010**Who may administer.**

Every court, judge, clerk of a court, state-certified court reporter, or notary public, is authorized to take testimony in any action, suit or proceeding, and such other persons in particular cases as authorized by law. Every such court or officer is authorized to collect fees established under RCW **36.18.020** and **36.18.012** through **36.18.018** and to administer oaths and affirmations generally and to every such other person in such particular case as authorized.

[2010 c 98 § 1; 1995 c 292 § 1; 1987 c 202 § 124; 2 H. C. § 1693; 1869 p 378 § 1; RRS § 1264.]

NOTES:

Intent—1987 c 202: See note following RCW **2.04.190**.

*Oath of witness in superior court to be administered by judge: **Rules of court:** Cf. CR 43(d).*

*Powers of courts, judicial officers to administer oaths: RCW **2.28.010**, **2.28.060**.*

Certification of Court Rule and WAC Compliance

(Caption of Washington State Court Case)

I, [INDIVIDUAL NAME] , am an authorized representative of [FIRM NAME] and do hereby certify that [FIRM NAME] and all court reporters providing services in the above-captioned case on [FIRM NAME]'s behalf will fully comply with all applicable rules and regulations governing the provision of court reporting services, including, where applicable, Washington Superior Court Rule 28(c)-(e) and WAC 308-14-130(1). *

Name

Date

Title

Firm Name

* **28(c) Disqualification for Interest.** No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

28(d) Equal Terms Required. Any arrangement concerning court reporting services or fees in a case shall be offered to all parties on equal terms. This rule applies to any arrangement or agreement between the person before whom a deposition is taken or a court reporting firm, consortium or other organization providing a court reporter, and any party or any person arranging or paying for court reporting services in the case, including any attorney, law firm, person or entity with a financial interest in the outcome of the litigation, or person or entity paying for court reporting services in the case.

28(e) Final Certification of the Transcript. The court reporter reporting a deposition shall not certify the deposition transcript until after he or she has reviewed the final version of the formatted transcript. A court reporting firm, consortium, or other organization transmitting a court reporter's certified transcript shall not alter the format, layout, or content of the transcript after it has been certified.

308-14-130(1) Offer arrangements on a case concerning court reporting services or fees to all parties on equal terms.

Contracting Article

CONTRACTING: THE NEVER-ENDING DEBATE

Nearly 20 years ago, court reporters and court reporting firms engaging in third-party contracts with parties-in-interest to lawsuits became an issue of national significance in the court reporting community. The debate on exclusive third-party contracting has continued within the profession, but now a much wider audience is also interested in finding a resolution to what some perceive to be an unethical business practice. The judiciary, attorneys, legislators, and public consumers of reporting services all have stood by unaware as the problem festers, and an increasing number of contracts have been entered into that may call into question the time-honored neutrality of the court reporter.

In 2010 and 2011, during NCRA's yearlong profession-wide study known as "Writing Our Future," the NCRA Board of Directors acknowledged that the membership had grown increasingly concerned about third-party contracting and that the association should reexamine this complicated and absolutely critical issue affecting freelance court reporters. Taking a completely fresh look at an issue where general activity on NCRA's behalf had declined considerably since the early 2000s, NCRA responded to the membership's request to direct more resources and attention to this issue, to see what could be learned and improved upon at both the national and state levels.

In the spring of 2011, the NCRA Board commissioned the Task Force on Contracting (TFOC), and charged it with specific tasks. As a first step in addressing those tasks, the TFOC compiled and compared the language of the various states that have passed legislation prohibiting or restricting third-party contracting, with the goal being to draft the best possible model legislation for affiliate association leaders and court reporters nationwide. Recognizing that this language would not be an ideal fit for every state, the Model Legislation instead was designed as a guide, to be used in whole or in part, according to each state's circumstances and needs. As guaranteed by the United States Constitution, citizens have the right to lobby their state or national legislature to pass laws as needed. While NCRA must operate within the parameters identified by the Department of Justice, the Association stands ready and able to assist all state affiliates in pursuit of this constitutionally-guaranteed right. The Model Legislation can be used by those states with existing legislation that may seek to strengthen or improve that legislation, or as a starting point for those states with no legislation in place that are interested in lobbying their state legislatures to pass rules restricting third-party contracting.

CONTRACTING: WHAT IT IS AND WHAT IT IS NOT

It must first be noted that certain topics have been raised over the years that are completely unrelated to third-party contracting. For example, a court reporter engaging in improper relations with an attorney or potentially changing the record to favor the third-party contractor are topics often discussed as diversions to the core issues of third-party contracting. Certainly these examples carry serious ethical implications, but they truly have nothing to do with the central ethical dilemma involved with third-party contracting. Given the stakes, consumers of services provided by court reporters and the public deserve better than these fallacious arguments. They deserve the guarantee of fair and impartial treatment at the hands of the court reporting profession.

Third-party contracting is defined by the NCRA's TFOC as any entity that provides or arranges for court reporting services entering into an oral or written contractual agreement for more than one case with any party to an action, insurance company, third-party administrator, or other individual or entity with a financial interest in the proceeding. Ideal legislation prohibiting third-party contracting will also restrict offering any economic or other advantage to any party, including special credit terms and preferential pricing. Further, legislation should contain provisions that bar any entity that provides court reporting services from restricting the noticing attorney's right to select a court reporter of his or her choosing.

Once a party-in-interest – whether a lawyer, insurance company, or a corporation – is allowed to manipulate the business transaction to their exclusive benefit and/or exerts control over the work produced by the court reporter, the reporter and/or the reporting firm's impartiality can be called into question.

NETWORKING VERSUS CONTRACTING

Similarly, there is some confusion between the terms "contracting" and "networking" when taken in the context of court reporting. Networking and contracting by their nature imply an agreement between two parties, but there is a clear and substantial difference between the two.

As previously defined, "contracting" in the court reporting vernacular is simply an agreement between a court reporter or reporting firm and a party to an action, an insurance company, a law firm, or a third-party administrator to provide financial or other advantages to one party to a proceeding.

"Networking" in the court reporting profession is generally thought of as an agreement that a freelance court reporter or court reporting firm will provide services to another court reporting firm's client. The court reporting firm providing the service essentially becomes the referring court reporting firm's subcontractor. Terms are generally negotiated beforehand, including pricing; a referral fee or networking discount being offered, if any; transcript format; production and delivery; and the required completion of certain paperwork.

Succinctly, networking is an arrangement between two service providers; third-party contracting is an agreement between a service provider and a party-in-interest. While a contracting agreement may exist between the referring reporting firm and a third party, rarely, if ever, will the subcontracting reporting firm or the reporter providing the services be informed or aware of that contract or the terms of that arrangement.

Obviously, there can be abuses in the networking arrangement, but these networking arrangements occur between court reporting firms, and the firms themselves are not a party to the litigation. Blanket third-party contracts entered into by court reporting firms provide specific financial advantages to one party in a case, which can call into question the actual impartiality of the court reporter.

CONSUMER PROTECTION – THE HARM OF THIRD-PARTY CONTRACTING

In Arizona, the law states: "Certified reporting is integrally related to the prompt, effective,

and impartial operation of the judicial system." Most, if not all, states echo this sentiment about the importance of the court reporter to the judicial system. In the freelance world, the court reporter is generally regarded as the only neutral, unbiased person at the proceeding. The credibility of the record is established on this understood neutrality. Not just actual neutrality but the perception of neutrality is equally important to consumers of court reporting services when taking a broad look at the court reporting profession.

Given the public's belief in and dependence on the court reporter's integrity and impartiality, it is all the more egregious when the consumers of court reporting services are unwittingly subjected to these exclusive contractual arrangements between a party-in-interest and the court reporter or reporting firm. Often these litigants are unaware of the contract's existence, the terms involved, the benefits that one party may be receiving, and how their interests will be affected as a result. The litigant who is not a party to the contract is nonetheless bound by an agreement entered into by their opponent in the proceeding. The one assurance the American judicial system offers all litigants is the integrity and impartiality of the

officers of the court, and yet many may be unknowingly and unwittingly deprived of this at any time a contract is in effect.

Most individual litigants are awed and intimidated by the entire deposition process. It is, after all, an extension of the courtroom, with the same key players and oath. The only thing missing is the judge, but litigants are aware that the transcript is prepared by the court reporter, the one neutral individual in the room. Confidence in the accuracy and privacy of the record rests on the absolute assurance of the reporter's impartiality and duty to the court to safeguard the testimony. Yet, when a court reporter works under a contract that may require the court reporter to forfeit oversight of the record to an entity not constrained by the same duties and obligations, the privacy of that individual's information may be jeopardized. Once again, the consumer may never find out that their private information has been archived somewhere outside the oversight of the court reporter.

While commenting on the Kentucky Court Reporters Association's efforts to work with the state legislature to implement court reporter licensure, Charlie Cunningham, a Jefferson County Circuit Court trial judge in Louisville, Kentucky, mused on the court reporting profession and the important issue of third-party contracting. Judge Cunningham states:

I tried a case in my courtroom [some time] ago which involved claims by and against a young court reporter who had been recruited to Kentucky from Tennessee by a local court reporting firm. The outcome of the trial is not necessarily important. What is significant is that I learned a lot about how the "business" of court reporting operates - something most lawyers, and just about all litigants, have no real insight into. Suffice it to say that opportunities for, and temptations to, cut corners or (offer) special deals are more endemic than we would like to think. Just because the vast majority of court reporters resist and refuse those temptations is no reason to ignore the reality that a small number will not. Indeed, it is precisely because most court reporters are so professional that even experienced litigators can get snookered because we assume every court reporter is similar to 'our' reporter with whom we are familiar. Wrong.

THE SOLUTION: PASSING LEGISLATION

The practice of court reporting affects the safety and welfare of the public, and as such, is, in many states, subject to regulation in the public's best interest.

As we know, court reporters and other groups of professionals may not talk about their industry's pricing in general, setting prices, or how services are charged for, as this is in strict violation of the Sherman Anti-Trust Law of 1890 and supported by over a century of case law. However, the legislative process is a constitutionally guaranteed method which may be used by concerned members of the profession or consumers of court reporting services to fully ensure the protection of the public.

The legislative process is open and transparent. It allows for hearings, bill mark-ups, and multiple opportunities for court reporters and the general public to comment on proposed legislation. Ideally, affected interest groups, local associations, and consumers will come to a general consensus on the best legislation to address the issue.

Once a bill has been sponsored and introduced, it is assigned to a committee for study and gathering of background information. The process provides an opportunity to educate the reporting profession and a wide range of persons who may at some time find themselves consumers of court reporting services.

Once legislation is enacted, it provides a basis for identifying prohibited practices and penalties for offenders. It also provides the ultimate effect of protecting not only the public but also protecting and

strengthening the court reporting profession, identifying standards that must be met in the performance of the duties by the one person who is entrusted with making and preserving the judicial record.

HOW TO MOBILIZE MEMBERS TO PASS LEGISLATION

Communication with the reporters in your state is an integral first step to a successful legislative effort. State associations are the natural go-to source to spearhead this endeavor. State leaders can start by polling all court reporters in their state to test the support for legislation prohibiting third-party contracting or to enhance current restrictions on contracting. It is important that members and nonmembers of state associations be informed about what the language in the proposed legislation seeks to accomplish and what will be expected of them as court reporters.

Education and communication with other court reporters and strategic alliances are both absolutely critical. Court reporters must be fully informed regarding the anticipated outcome of anti-contracting legislation so that no one is surprised by the results of the legislative process. A membership-wide educational campaign on what the legislation does and does not do will help simplify and expedite this process.

It is critical to identify the portions of the proposed legislation that will garner the greatest support from the majority of the reporters in your state, discuss any concerns that remain, and

seek compromises where possible so that you can move forward with a unified front. As we have heard directly from legislators and their staffers, when there is significant infighting within the same interest group over a single bill, the legislation is very unlikely to be passed into law.

Furthermore, state leaders of court reporting associations and individual court reporters should contact the Bar and the state trial lawyers association as potential strategic alliances. Consumer protections afforded to attorneys and litigants are certainly a strong benefit of legislation prohibiting third-party contracting. These affected consumers, coupled with a state's grassroots army of court reporters properly organized, can be provided the necessary tools, like exemplar letters, e-mails, and telephone scripts and prompted to contact their legislators. Individual reporters can use these tools as well to request their clients, judges, and neighbors to contact their legislators in support of the proposed legislation.

We must anticipate opposition and be prepared to face it squarely and intelligently. There should be a handful of "experts" who can testify and answer questions from legislators. It is critical to remind legislators that this is an important matter of ethics within the legal system and that court reporters have a high duty to be impartial, just as judges do. There is no restraint of trade with the enactment of legislation that restricts contracting. Laws prohibiting third-party contracting simply will guard against the appearance of any impropriety in the court system.

CONCLUSION

NCRA has long promoted the time-honored role and tradition of the court reporter, and the association's rules on ethics have always included the requirement to refrain from even the appearance of impropriety or favoritism. NCRA, through the Task Force on Contracting, is working to provide educational tools and legislative assistance to affiliates seeking to pass new legislation or improve existing legislation related to third-party contracting. The TFOC stands ready to help support the efforts at the state level to pursue and pass legislation from start to finish.

This article was written by the members of NCRA's Task Force on Contracting: Antonia Pulone, CSR; Lisa Migliore Black, CCR; Marianne Cammarota, FAPR, RDR, CRR; Laurel Eiler, FAPR, RDR; Mary Meyer, RPR; Lori Urmston, RMR; Karen Yates, FAPR, RPR, CRR, CBC, CCP; and Bruce Matthews, FAPR, RDR, CRR.



American Judges Association

The Voice of the Judiciary®
Online at aja.ncsc.dni.us
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October 28, 2016

Ms. Phyllis Craven Lykken
WCRA Legislative Chair
Central Court Reporting & Video
1700 7th Avenue, #2100
Seattle, WA 98101

Dear Ms. Lykken:

At the American Judges Association's recent annual conference, the Executive Committee considered your request that AJA send a letter of support to the Washington State Supreme Court related to the Washington Court Reporters Association proposed rule amendments. The Executive Committee determined that AJA's position as set forth in the enclosed resolution from 1998 has not changed.

Sincerely,

Russell Otter
President

*The independent organization for all local, state, provincial, and federal judiciary
of judges—by judges—for judges*

Serving the justice system since 1959

United States – Canada

Printed on recycled paper

**THE AMERICAN JUDGES ASSOCIATION
RESOLUTION**

WHEREAS, court reporters are officers of the court whose impartiality, as with judges, must remain utterly beyond question in order to ensure the enduring confidence and faith from which our judicial system derives its legitimacy; and

WHEREAS, some court reporting firms are contracting directly with the parties in interest in litigation, thereby circumventing counsel and their related ethical obligations to the courts; and

WHEREAS, those arrangements allow the parties in interest to directly control the terms and conditions of the court reporting services in a manner sometimes indistinguishable from an employer-employee relationship; and

WHEREAS, certain of these contracting arrangements require court reporters to provide special services to the paying party in interest that are not available to the opposing parties in the litigation; and

WHEREAS, the National Court Reporters Association has adopted a resolution to lobby at the state and federal level, and work with its affiliated organizations and coalitions at the state level, to seek the enactment of laws and court rules that will limit or prohibit contracting arrangements in order to maintain the impartiality and independence of court reporters in their capacity as officers of the court; and

WHEREAS, numerous states (including, Hawaii, Georgia, Utah, Louisiana, New Mexico, Nevada, West Virginia, Texas, Kentucky, Michigan, New Jersey, Alabama, Massachusetts, Montana, Rhode Island, and Ohio) have recently enacted or are considering laws or court rules that prohibit or strictly regulate contracting arrangements between parties in interest in litigation and court reporters to ensure the impartiality of the court reporting profession specifically and the integrity of the courts generally;

NOW, THEREFORE, BE IT RESOLVED, that the American Judges Association endorses legislative and judicial efforts to prevent parties in interest from establishing any direct financial or other relationships with court reporters which could create an appearance of partiality that is inimical to the public's faith in the fairness and impartiality of the judicial system.

Respectfully Submitted,



Judge Shirley Strickland-Saffold, President

RESOLUTIONS COMMITTEE

Judge Ira J. Raab, Chair
Judge Seymore Brown, Co-Chair
Judge Pearle Appelman
Judge Paul Beighle
Judge George Greig
Judge Ann Pugh

Unanimously adopted April 24, 1998
Portland, Oregon

RESOLUTION

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Unanimously adopted April 24, 1998

Portland, Oregon

Judge Shirley Strickland-Saffold, President

AJA Resolutions Committee

Judge Ira J. Raab, Chair

Judge Seymore Brown, Co-Chair

Judge Pearle Appelman

Judge Paul Beighle

Judge George Greig

Judge Ann Pugh



LOBBYIST REGISTRATION

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L1

(12/03)

FEB 25 2013

Public Disclosure Commission

1. Lobbyist Name
Carney Badley Spellman – Mel Sorensen

Permanent Business Address
701 Fifth Ave – Suite 3600

City: **Seattle** State: **WA** Zip: **98104 - 7010**

2. Temporary Thurston County address during legislative session
510 Plum St SE, Suite 100; Olympia, WA 98501

3. Employer's name and address (person or group for which you lobby)
**Alliance of Deposition Firms
c/o Issues Management LLC, 100 Overlook Center, Suite 200, Princeton, NJ 08540**

Business Telephone Numbers
Permanent (206) 607 - 4152
Temporary (360) 357 - 6500
Cell Phone (206) 409 - 5177 or Pager

E-Mail Address
Sorensen@carneylaw.com

Employer's occupation, business or description of purpose of organization
Trade Association – Court Reporters

4. Name and address of person having custody of accounts, receipts, books or other documents which substantiate lobbyist reports. (Person responsible for producing the annual L3 report)

Mel Sorenson, Carney Badley Spellman, 701 Fifth Avenue, Seattle, WA 98104

E-Mail Address
Sorenson@carneylaw.com

5. What is your pay (compensation) for lobbying?
\$ 40,000 For 2013 Legislative Session
Other: Explain:

Description of employment (check one or more boxes)

Full time employee Sole duty is lobbying
 Part time or temporary employee Lobbying is only a part of other duties
 Contractor, retainer or similar agreement
 Unsalariated officer or member of group

6. Are you reimbursed for lobbying expenses? Explain which expenses.
 Yes: \$ _____ per _____
 Yes: I am reimbursed for expenses.
 No: I am not reimbursed for expenses.

Does employer pay any of your lobbying expenses directly?
If yes, explain which ones.
No

7. How long do you expect to lobby for this organization?
 Permanent lobbyist Only during legislative session Other, Explain:

8. Is your employer a business or trade association or similar organization which lobbies on behalf of its members? If "yes," attach a list showing the name and address of each member who has paid the association fees, dues or other payments over \$500 during either of the past two years or is expected to pay over \$500 this year.
 No Yes. However, no member has paid, pays, or is expected to pay over \$500.
 Yes. The list is attached

9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events? If so, list the name of that political action committee.
 No
 Yes. Name of the committee is:

10. If lobbyist is a company, partnership or similar business entity which employs others to perform actual lobbying duties, list name of each person who will lobby. (See WAC 390-20-143 and 144 for instructions.)
Mel Sorenson; Chase Mateusiak

11. Areas of Interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects:

CODE	SUBJECT	CODE	SUBJECT
01 <input type="checkbox"/>	Agriculture	09 <input type="checkbox"/>	Higher education
02 <input checked="" type="checkbox"/>	Business and consumer affairs	10 <input type="checkbox"/>	Human services
03 <input type="checkbox"/>	Constitutions and elections	11 <input type="checkbox"/>	Labor
04 <input type="checkbox"/>	Education	12 <input checked="" type="checkbox"/>	Law and justice
05 <input type="checkbox"/>	Energy and utilities	13 <input type="checkbox"/>	Local government
06 <input type="checkbox"/>	Environmental affairs - natural resources - parks	14 <input type="checkbox"/>	State government
07 <input type="checkbox"/>	Financial institutions and insurance	15 <input type="checkbox"/>	Transportation
08 <input type="checkbox"/>	Fiscal	16 <input type="checkbox"/>	Other – Specify:

Remarks:

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement.

LOBBYIST'S SIGNATURE: DATE: **2/22/13**

EMPLOYER'S AUTHORIZATION: Confirming the employment authority to lobby described in this registration statement.

EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE: DATE: **2/19/13**
Michael J. Faigen, Partner

RECEIVED

FEB 25 2013

Public Disclosure Commission

The Alliance of Deposition Firms

**Veritext Corporation
25B Vreeland Road
Suite 301
Florham Park, NJ 07932**

**Magna Legal Services, LLC
1635 Market Street
7 Penn Center 10th Floor
Philadelphia, PA 19103**

**Esquire Deposition Solutions, LLC
2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303**

**LegalLink, Inc
One Merrill Circle
St. Paul, MN 55108**

**U.S. Legal Support, Inc.
Attn: David Hankey
Gohn, Hankey & Stichel LLP
201 North Charles Street
Baltimore, MD 21201**

FILED

16 FEB 19 PM 12:27

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 16-2-03910-3 SEA

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KENDALL BAKER, individually and
collectively on behalf of all others similarly
situated,

Plaintiffs,

v.

U.S. LEGAL SUPPORT, INC.; ROE
CORPORATIONS 1 through 100; DOE
INDIVIDUALS 101 through 200; inclusive,

Defendants.

NO.

CLASS ACTION COMPLAINT

Plaintiff KENDALL BAKER ("BAKER"), through undersigned counsel, for her class
action complaint against Defendant U.S. LEGAL SUPPORT, INC. ("US LEGAL") and ROE
CORPORATIONS 1 through 100 and DOE INDIVIDUALS 101 through 200 (collectively
"Defendants"); inclusive, alleges as follows:

STATEMENT OF THE CASE

"The price of a lawsuit is high and growing higher. How costly, and the history and rate
of growth, are difficult to measure directly, but lawyers – the individuals best positioned to
witness the trend and effect of civil litigation costs – overwhelmingly report a problem."¹ This
public policy concern is exponentially magnified when institutional litigants, such as casualty
insurance companies and large corporations, are allowed to leverage their market share and

¹ WSBA Task Force on the Escalating Costs of Civil litigation; ECCL *Final Report* (June 15, 2015) at p.1.

1 influence into undisclosed exclusivity and/or bulk purchasing agreements with Court Reporting
2 Agencies to reap undisclosed financial discounts. In 2013 alone, there were 99,709 total
3 collisions in Washington.² This figure does not take into account the many thousands of non-
4 vehicle related insurance claims occurring annually in Washington.

5 The sheer volume affords institutional litigants unwieldy leverage when negotiating long-
6 terms, bulk services, including court reporting services. Undisclosed, unequal rates and terms
7 (between litigants to the same case and receiving the same reporting services) function as “cost-
8 shifting” mechanisms subsidizing part of the insurance carrier’s litigation costs at the expense of
9 injured individuals. By enacting the “equal-terms” requirement, the Washington legislature
10 prohibited court reporting services from charging different rates, for the same service, to
11 different parties in the same case.

12 PARTIES

- 13 1. Plaintiff BAKER is domiciled in Washington and a resident of King County.
- 14 2. Defendant US LEGAL is a “for-profit” Texas corporation registered to do business and
15 in fact engaged in commerce and trade in Washington. At all times material, US LEGAL
16 acted as a business, consortium, or other organization providing and/or facilitating court
17 reporting services to numerous Washington litigants, including KENDALL.

18 JURISDICTION AND VENUE

- 19 3. King County Superior Court has jurisdiction pursuant to the Washington Constitution,
20 Article 4, § 6 and RCW 4.12.020 & RCW 19.86.090.
- 21 4. Venue is proper pursuant to RCW 4.12.020; RCW 4.28.185(a) & (b); and CR 82.

22
23
24 ² <http://www.wsdot.wa.gov/mapsdata/collision/pdf/AnnualCollisionSummary2013.pdf>

1 5. US LEGAL acting agents and/or employees regularly engage in business transactions
2 within this state. Defendant maintains a physical presence within this state.³ A
3 substantial part of the events and tortious conduct giving rise to the claims in this lawsuit
4 occurred within this state and county. Defendant availed itself of the benefits of the laws
5 of Washington and its commercial market.

6 6. The claims of Plaintiff and the Class members are brought solely under state law causes
7 of action and governed exclusively by Washington law. No claim exceeds \$75,000,
8 exclusive of interest and costs, and thus raises no federal questions.⁴

9 **BACKGROUND**

10 7. Parties to a judicial action have the right to an impartial and independent court reporter,
11 who has no bias, financial or otherwise, in the outcome of the court proceedings being
12 reported.⁵ However, an increasing number of insurance companies are entering into
13 undisclosed long-term agreements with court-reporting agencies which require their
14 counsel to use a particular agency for any deposition they note. In return, insurance
15 companies realize reduced fees. These contracts may call for expedited transcript
16 delivery, deposition "databases," and even discounted or free deposition summaries.

17 8. What many plaintiffs do not appreciate is that they may be getting "gouged" on transcript
18 copy rates and other reporting services to account for the discounts afforded to
19 institutional litigants. Exclusivity and bulk-purchasing agreements that result in unequal
20 reporting services and terms are *illegal in Washington*.

21
22
23 ³ <https://www.uslegalsupport.com/our-locations.aspx>

⁴ Exxon Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546 (2005).

24 ⁵ CR 28(c).

1 9. Washington found it necessary to regulate the “practice of court reporting” *to protect the*
2 *public safety and well-being* and enacted the Court Reporting Practices Act (“CRPA”).⁶

3 10. Certified reporters are officers of the court. They have ethical responsibilities to litigants
4 and the bench.⁷ Professional ethics define the type of conduct litigants, courts, and
5 attorneys have a right to expect from certified reporters. They include, *inter alia*, the
6 obligation to fair and impartial toward all participants, in all aspects and avoiding
7 unlawful agreements. They must guard against even the appearance of a conflict of
8 interest, including undisclosed relationships with other parties to the transaction.

9 11. Compliance with the CRPA by certified reporters is mandatory. Under the CRPA a
10 certified reporter can engage in unprofessional conduct in multiple ways:

- 11 a. Violation of state statute or administrative rule regulating the profession;⁸
12 b. Dishonesty or corruption relating to the practice of court reporting or in the
13 operation of the business, whether or not the act constitutes a crime;⁹
14 c. False, deceptive, fraudulent, or misleading conduct;¹⁰
15 d. Misrepresentation in any aspect of the conduct of the business or profession.¹¹

16 12. Certified court reporters (“CCR”) *must* offer arrangements on a case concerning *court*
17 *reporting services or fees* to all parties on equal terms.¹² The “equal terms” rule applies
18 to any agreement between the CCR, court reporting firm, consortium or other
19 organization providing a court reporter and any party paying for court reporting services
20

21 ⁶ RCW 18.145.005 & 18.145.130

22 ⁷ WCRA *Resolution to Preserve Impartiality* (January 2013)

23 ⁸ RCW 18.145.130(6) & RCW 18.235.130(4); WAC 308-14-130.

24 ⁹ RCW 18.145.130(1) & RCW 18.235.130(1).

¹⁰ RCW 18.145.130(2) & RCW 18.235.130(3).

¹¹ RCW 18.145.130(9) & RCW 18.235.130(11).

¹² WAC 308-14-130(1).

1 in the case, including any attorney, law firm, person or entity with a financial interest in
2 the outcome of the litigation.¹³

3 **FACTUAL ALLEGATIONS**

4 13. Upon information and belief, Famers Insurance Exchange (“FIE”) and US LEGAL were
5 parties to an “exclusivity and/or bulk purchasing” agreement that called for FIE to
6 receive discounted court reporting services from US LEGAL.

7 14. BAKER was a litigant in *Huckabee v. Hanson*, (KCSC case No. 15-2-06399-5-SEA).
8 Hollenbeck, Lancaster, Miller, & Andrews (“HLMA”) defended Dennis Hanson, an FIE
9 insured. Attorneys for HLMA are employees of FIE. Keane Law Offices represented
10 Kendall Baker in the prosecution of her claims against Mr. Hanson.

11 15. On November 24, 2015, HLMA deposed BAKER. FIE, through HLMA, retained US
12 LEGAL to provide court reporting services for this deposition.

13 16. On December 4, 2015, US LEGAL invoiced Keane Law Offices (invoice #531499)
14 \$313.50. BAKER is liable for litigation costs advanced by her attorney, including
15 deposition services.¹⁴

16 17. Litigation costs reduce the net recovery to litigants. To ensure US LEGAL was
17 complying with Washington’s “equal terms” requirement BAKER requested US LEGAL
18 provide copies of charges invoiced to FIE for the same depositions.

19 18. On January 19, 2016, US LEGAL refused to provide documentation but offered written
20 assurances to Keane Law Offices “[T]hat Famers Insurance was billed for both
21 depositions in question and *your firm was billed at a lower rate.*” These assurances were
22 deceptive and masked direct evidence of professional misconduct and predatory billing.

23 ¹³ Superior Court Civil Rules 28(d).

24 ¹⁴ RPC 1.8(e)(1).

1 19. What follows are three examples of Plaintiff's allegations of professional misconduct
2 against US LEGAL.

3 **EXAMPLE #1**

4 *Alhadenff v El Diablo, Inc.* 14-2-29074-8 SEA

5 20. US LEGAL invoice FIE #518359 versus plaintiff #518360:

6

REPORTING SERVICE	FIE	KEANE LAW
Exhibits Charges	\$0.30 per page	\$0.60 per page
Handling Charges	\$12.00	\$45.00
End Line Discount	<\$132.00>	N/A
Pay After Date Escalation Charge	N/A	<\$50.91>

7
8

9 **EXAMPLE #2**

10 *Huckabee v Hanson.* 15-2-06399-5 SEA

11 *(Deposition of Kendall Baker)*

12 21. US LEGAL invoice FIE #531497 versus plaintiff #531499:

13

REPORTING SERVICE	FIE	KEANE LAW
Handling Charges	\$12.00	\$45.00
End Line Discount	\$82.00	N/A
Pay After Date Escalation Charge	N/A	\$31.35

14
15

16 **EXAMPLE #3**

17 *Alhadenff v El Diablo, Inc.* 14-2-29074-8 SEA

18 22. US LEGAL invoice FIE #541692 versus plaintiff #541693:

19

REPORTING SERVICE	FIE	KEANE LAW
Handling Charges	\$12.00	\$45.00
End Line Discount	\$131.79	N/A
Pay After Date Escalation Charge	N/A	\$67.79
Exhibit Charges	\$0.30 per page	\$0.60 per page

20
21

22 23. US LEGAL invoices sent to plaintiffs display only full-balance charges and do not
23 inform parties of the disparate billing practices. Many plaintiffs remain unaware they are
24

1 being illegally charged a higher fee for the exact same service. Consequently, business
2 practices constituting professional misconduct and predatory billing go unnoticed.

3 CLASS ACTION ALLEGATIONS

4 24. BAKER brings this case as a class action on behalf of a Class defined as: "All persons
5 and entities involved in litigation in Washington courts that received court reporting
6 services from US LEGAL, its agents and/or employees, on unequal terms and/or unequal
7 fees from February 19, 2012 to present ('the Class')."¹⁵

8 25. BAKER is a member of the Class.

9 26. Excluded from the Class is Defendant, any entity in which a Defendant has a controlling
10 interest, and Defendant's legal representatives, assignees, and successors. Also excluded
11 is the judge assigned to this case and any member of the judge's immediate family.

12 27. Upon information and belief, members of the Class are so numerous that joinder is
13 impractical. The exact number and names of members of the Class are presently
14 unknown, but can be readily ascertained through appropriate discovery. Plaintiff believes
15 that there are hundreds, if not thousands, of affected members of the Class, whose names
16 and addresses may be readily discovered upon examination of the records in the custody
17 and control of Defendant. Moreover, the disposition of the claims of the Class in a single
18 action will provide substantial benefits to all parties and the Court.

19 28. The central questions of law and fact are common to Plaintiff and Class members and are
20 more fully laid out in BAKER's causes of action.

21 29. The nature and extent of class-wide injury and the measure of compensation for such
22 injury is readily ascertainable and common to Plaintiff and Class members.

23
24 ¹⁵ Washington Civil Rule 23

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30. The claim of the representative Plaintiff is typical of the claims of the Class. Plaintiff received court reporting services from US LEGAL, its agents and/or employees, on unequal terms and/or fees in violation of Washington law and the Consumer Protection Act. Plaintiff's claims, like the claims of the Class, arise out of the same common course of conduct by Defendant and are based on the same legal and remedial theories.

31. Plaintiff will fairly and adequately protect the interests of the Class.

32. Plaintiff has retained competent and capable attorneys who are experienced trial lawyers with significant experience in complex and class action litigation, including consumer class action litigation. Plaintiff and her counsel are committed to prosecuting this action vigorously on behalf of the Class and have the financial resources to do so. Neither Plaintiff, nor her counsel, has interests that are contrary to or that conflict with those of the proposed Class.

33. Defendant has engaged, and upon information and belief, continues to engage, in repeated deceptive and illegal conduct subjecting consumers to court reporting services on unequal terms, including but not limited to, unequal fees. The common issues arising from this conduct that affect Plaintiff and members of the Class predominate over any individualized issues. Adjudication of these common issues in a single action has important and desirable advantages of judicial economy and public policy.

34. Plaintiff and Class members have suffered actual damages as a result of Defendant's unlawful, professional misconduct. Absent a class action, however, most Class members would find the cost of litigating their claims prohibitive.

1 35. Class treatment is superior to multiple individual suits or piecemeal litigation because it
2 conserves judicial resources, promotes consistency and efficiency of adjudication,
3 provides a forum for small claimants, and deters illegal and deceptive practices.

4 36. Litigation of the claims should occur in this Court as all claims are brought under
5 Washington law. There will be no significant difficulty in the management of this case as
6 a class action. The Class members are readily identifiable from Defendant's records.

7 **CAUSES OF ACTION**

8 37. Plaintiff re-alleges and incorporates by reference each and every allegation set forth in
9 the preceding paragraphs.

10 38. US LEGAL breached its ethical responsibility to BAKER and members of the Class by
11 entering into agreements that would cause FIE attorneys, US LEGAL CCRs and other
12 agents to violate the CRPA.

13 39. US LEGAL engaged in misleading and deceptive conduct that appears designed to
14 prevent BAKER and members of the Class from discovering its contractual relationship
15 with FIE and other insurers and large corporations.

16 40. US LEGAL, as alleged herein, engaged in dishonesty and corruption relating to the
17 entrepreneurial aspects of the practice of court reporting.

18 41. US LEGAL engaged in false, deceptive, fraudulent, and/or misleading conduct, as
19 alleged herein, relating to the entrepreneurial aspects of the practice of court reporting;
20 including but not limited to, material deceptive and misleading representations and
21 assurances pertaining to the illegal unequal billing practices for its reporting services.

22 42. US LEGAL failed to conduct its business in a manner consistent with the CRPA causing
23 harm and damages to BAKER and other members of the Class, including but not limited
24

1 to, failing to provide court reporting services and associated fees to all parties on equal
2 terms, harming BAKER and other members of the Class.

3 **VIOLATION OF CONSUMER PROTECTION ACT**

4 43. Plaintiff re-alleges and incorporates by reference each and every allegation set forth in
5 the preceding paragraphs.

6 44. At all times relevant, US LEGAL provided services directly and/or indirectly affecting
7 the people of the state of Washington and engaged in unfair and deceptive actions and
8 professional misconduct relating to court reporting services.¹⁶

9 45. Upon information and belief, US LEGAL entered into "exclusivity and/or bulk
10 purchasing agreements" that provided for deposition services on unequal terms in
11 violation of Washington law.

12 46. BAKER and members of the Class are entitled to refund for moneys acquired by US
13 LEGAL by means of prohibitive acts described herein.¹⁷

14 47. BAKER and members of the Class were damaged by violation of the prohibitive conduct,
15 as described herein, and are entitled to actual damages, together with costs of suit and
16 reasonable attorney fees, and treble damages as the court deems appropriate.

17 48. The unfair and deceptive practices complained of herein are injurious to the public
18 interest. RCW 18.145.005 contains specific legislative declaration of public interest
19 impact in regulating court reporting services. Defendant's conduct has injured other
20 persons, including members of the Class and will likely continue to injure.

21 49. US LEGAL's determinations as to how it priced its court reporting services; including
22 the manner and terms the same were constituted, billed and collected, as well as, the

23 ¹⁶ RCW 19.86.020; RCW 18.145.005 & RCW 18.145.130; CR 28; and WAC 308-14-130

24 ¹⁷ RCW 19.86.090

1 determination to enter into exclusivity and/or bulk discounting agreements with insurers
2 and large corporations are entrepreneurial aspects of the practice of court reporting.

3 50. All acts and/or omissions by Defendant complained of herein occurred within four years
4 of the filing of this lawsuit.

5 51. As a proximate result of the wrongful acts of Defendant, Class members, including
6 Plaintiff, have suffered loss or injury, for which Defendant is liable.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff, individually and on behalf of the members of the Class, prays
9 for judgment against Defendants as follows:

10 A. Certification of the proposed plaintiff Class;

11 B. A determination that Defendant is financially responsible for notifying all Class
12 members of its unlawful conduct;

13 C. Appointment of Plaintiff as representative of the Class;

14 D. Appointment of the undersigned counsel as counsel for the Class;

15 E. A finding that Defendant's actions were deceptive, unfair and constitute
16 professional misconduct in violation of RCW 18.145.130; RCW 19.86.020-19.86.050; CR 28;
and WAC 308-14-130;

17 G. An award to Plaintiff and the Class of compensatory damages, including actual
18 damages and treble damages under RCW 19.86.090;

19 H. Forfeiture and refund of fees charged and imposition of a fine not to exceed
20 \$5,000 for each act of Defendant's professional misconduct under RCW 18.235.110;

21 I. That this Court enters an order enjoining Defendant from further charging
22 unequal fees and terms for depositions services within the state of Washington;

23 J. Award Plaintiff and the Class attorneys' fees and costs, as allowed by law;

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K. Award Plaintiffs and the Class prejudgment and post-judgment interest, as provided by law;

L. Permit Plaintiffs leave to amend the Complaint to conform to the evidence presented at trial; and

M. Grant such other and further relief as the Court deems necessary, just, and proper.

DATED this 19th day of February, 2016

STRITMATTER KESSLER WHELAN
KOEHLER MOORE KAHLER

/s/ R. Travis Jameson

R. Travis Jameson, WSBA#45715
Paul Stritmatter, WSBA#4532
Brad Moore, WSBA#21802
Co- Counsel for Plaintiffs

KEANE LAW OFFICES
T. Jeffrey Keane, WSBA#8465
Co-Counsel for Plaintiffs

GENERAL RULE (GR) 35
 OFFICIAL CERTIFIED SUPERIOR COURT TRANSCRIPTS

(a) Definitions.

(1) "Authorized transcriptionist" means a person approved by a Superior Court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding in that court.

(2) "Certified court reporter" means a person who meets the standards outlined in RCW 18.145.080.

(3) "Mentorship" means a professional relationship between an experienced, authorized transcriptionist or a certified court reporter and another transcriptionist for the purpose of providing guidance, encouragement, and professional advice.

(b) Official court transcripts may be completed and filed by (1) an official court reporter employed by the court or other certified court reporter; or (2) a court employee with job responsibilities to transcribe a report of proceedings; or (3) an authorized transcriptionist who has been approved by the jurisdiction conducting the hearing to be transcribed.

(c) Each court will determine who has the authority to approve transcriptionists for that jurisdiction.

(d) Except as otherwise ordered by the court the minimum qualification to become an authorized transcriptionist in order to complete and file an official certified court transcript from electronically recorded proceedings is certification as a court reporter or certification by AAERT (American Association of Electronic Reporters and Transcribers) or proof of one year of supervised mentorship with a certified court reporter or an authorized transcriptionist. Courts may require additional qualifications at their discretion.

(e) The certified court reporter or authorized transcriptionist shall attach to the official transcript filed with the court a certificate in substantially the following form:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. That I am a certified court reporter (or authorized transcriptionist);
2. I received the electronic recording directly from the trial court conducting the hearing;
3. This transcript is a true and correct record of the proceedings to the best of my ability, including any changes made by the trial judge reviewing the transcript;
4. I am in no way related to or employed by any party in this matter, nor any counsel in the matter; and
5. I have no financial interest in the litigation.

 (Date and Place)

 (Signature)

[Adopted September 1, 2015.] Corrected on September 24, 2015 to comply with Order 25700-A-1104.

WAC 308-14-130**Standards of professional practice.**

All certified court reporters (CCR) shall comply with the following professional standards except where differing standards are established by court or governmental agency. Failure to comply with the following standards is deemed unprofessional conduct. Certified court reporters shall:

- (1) Offer arrangements on a case concerning court reporting services or fees to all parties on equal terms.
- (2) Include on all transcripts, business cards, and advertisements their CCR reference number.
- (3) Prepare transcripts in accordance with the transcript preparation guidelines established by WAC 308-14-135 or court.
- (4) Preserve and file shorthand notes in a manner retrievable. Transcribed notes shall be retained for no less than three years and untranscribed notes shall be retained for not less than ten years, or as required by statute, whichever is longer.
- (5) Provide transcripts on agreed delivery date, and give notification of any delays.
- (6) Prepare accurate transcripts.
- (7) Disclose conflicts, potential conflicts, or appearance of conflicts to all involved parties.
- (8) Be truthful and accurate in advertising qualifications and/or services provided.
- (9) Preserve the confidentiality of all information obtained during a proceeding and take all steps necessary to ensure its security.
- (10) Notify all involved parties when transcripts are ordered.
- (11) All parties shall be notified when a transcript is ordered by a person not involved in the case. If any party objects, the transcript cannot be provided without a court order.
- (12) Supply certified copies of transcripts to any involved party, upon appropriate request.

[Statutory Authority: RCW 18.145.050, 43.24.023. WSR 04-17-072, § 308-14-130, filed 8/13/04, effective 9/13/04. Statutory Authority: RCW 18.145.050 and 43.24.020. WSR 91-20-002 and 91-20-044, § 308-14-130, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91. Statutory Authority: RCW 18.145.050. WSR 90-20-008, § 308-14-130, filed 9/20/90, effective 10/21/90.]

phyllis@centralcourtreporting.com

From: DRA of California [dra@dra.ccsend.com] on behalf of DRA of California [memberservices@caldra.org]
Sent: Thursday, December 13, 2018 2:00 PM
To: phyllis@centralcourtreporting.com
Subject: Update: Appellate Decision Reached in Moose v. US Legal Support

Moose vs. US Legal Support:

And The Winner Is ... Freelancers like YOU!

Unanimous Appellate Court In Moose v. US Legal Support, Inc., Casts Aside Arguments That USLS Does Not Provide Court Reporting Services and is Thus Immune From Laws Enforced By The Court Reporters Board;

Appellate Court Upholds CRB's Scope Of Practice Regulations and Broad Regulatory Powers, Cites Regulation for which CalDRA Petitioned;

Moose Case Dismissed Owing To Technical Error In Challenging Trial Court Decision.

Repeatedly calling US Legal Support, Inc.'s arguments "***illogical***" and "***unconvincing***," a unanimous Court of Appeal last Friday in *Moose v. US Legal Support, Inc.*, rejected the arguments of the company and, for the first time on an appellate level, upheld the broad regulatory powers of the Court Reporters Board (CRB). This language dismisses, hopefully once and for all, US Legal's contention that it does not "render" court reporting services as described in the Corporations Code.

This is the second court to come to this same conclusion about the scope of US Legal's operations. The CRB's case several years ago against the company likewise resulted in a ruling that US Legal did indeed "render professional services"; namely, ***court reporting services***, despite the company's insistence to the contrary.

"We have are relieved to finally hear such frank and decisive language from the court on this issue," remarked CalDRA Legislative Advocate Antonia Pulone. "This decision certainly paves the way for broader enforcement of current law,

which was always the aim of the case, allowing recourse for consumers who are harmed by nonlicensee-owned reporting corporations."

Highlights from the decision:

Reporting is more than just transcription: "That these subordinate tasks do not separately require a license is irrelevant. To the contrary, California Code of Regulations Title 16, Section 2475, which lists the obligations inherent in the CRB's professional standards of practice, applies to any 'business that renders . . . shorthand reporting services' The suggestion that those tasks cannot constitute a part of professional service is illogical and unconvincing."

"We reject U.S. Legal's illogical suggestion that unless a person or entity performs both the making of the record and the multiple tasks involved in the subsequent 'accurate transcription,' that person or entity cannot be engaged in shorthand reporting practice."

"This narrow reasoning failed to take into account the scope of the 'accurate transcription' of the record, which is required by Business and Professions Code section 8017.19. Shorthand reporting 'practice' extends beyond the physical acts of recording and transcription to functions performed by U.S. Legal: it includes truthful and accurate advertising, adherence to agreed-upon delivery dates, and prompt notification of delays. (Cal. Code Regs., tit. 16, § 2475.) Thus, shorthand reporting encompasses more than the mechanical acts recognized by the superior court in this case."

US Legal bound by California Law: "U.S. Legal thus appears to suggest that it is free to render, provide, or perform services without the obligation to adhere to the restrictions applicable to those individuals and corporations that are authorized to render those same services. Thus, for example, its violation of the requirement that each shareholder and director be licensed in the profession is the very reason it avoids liability for that very violation. Such circular reasoning to evade this state's laws and regulations is, at a minimum, unpersuasive."

The Court, however, upholds dismissal of the case because "The record before us contains no indication that plaintiff requested clarification or additional findings to support the [trial] court's ultimate conclusion that plaintiff suffered no 'damage.'"

"The ball is now squarely in the CRB's court," said CalDRA President Cheryl Haab. "The law is now clear. Its duty is now clear. Rampant unauthorized practice in our profession must end either by the CRB doing what private plaintiffs cannot easily do -- namely, enforce the laws identified in the case -- or by referring cases to DAs, City Attorneys, or the Attorney General, as is done by every other licensing board in our state."

CalDRA would like to issue great thanks to Holly Moose; to Leon Dayan, her brilliant pro bono attorney; and to the law firm of Bredhoff and Kaiser for their exceptional work on this important, precedent-setting case.

Click HERE to read the December 11th article in the Metropolitan News-Enterprise.

Click HERE to read the December 11th Law 360 article.

Click HERE to read the oral argument before the appellate court. See for yourself how brilliantly Holly's pro bono attorney argued her case.

Follow Us

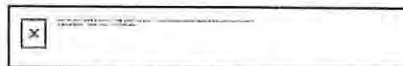


Deposition Reporters Association of California, Inc. | 4733 Torrance Boulevard, #815,
Torrance, CA 90503

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Washington Court Reporters Association

washingtoncourtreporters.org

You may have recently seen or heard suggestions to modify your deposition notices to allow for the recording of deposition testimony solely by digital audio and/or by artificial intelligence (AI) means, without having a certified court reporter present. This practice is sometimes referred to as “digital reporting.”

- **“Digital Reporting” is not “Court Reporting”**

Under the Washington Court Reporting Practice Act, the "practice of court reporting" is defined as “the making by means of written symbols or abbreviations in shorthand or machine writing or oral recording by a stenomask reporter of a verbatim record of any oral court proceeding, deposition, or proceeding before a jury, referee, court commissioner, special master, governmental entity, or administrative agency and the producing of a transcript from the proceeding.” RCW 18.145.020. The Washington State Legislature intends "Only individuals who meet and maintain minimum standards of competence may represent themselves as court reporters." RCW 18.145.005

- **Simply creating an audio recording or relying on AI recording of a deposition is not “court reporting.” If it were, anyone could do it.**

- **"Digital Reporting" is not regulated and carries significant risks**

- Your only record is an audio file. There could be disastrous consequences for your case when equipment malfunctions or fails.
- No state-approved training, degree, certification, or license required.
- Transcripts can be outsourced (frequently outside the U.S.) with no regulatory oversight or accountability.
- Certified Court Reporters are licensed, regulated, and accountable to the public and the courts
 - Tested to demonstrate proficiency, with continuing education required.
 - Must abide by all state laws, rules and regulations, with possible sanctions for violations.
 - Can provide instantaneous read back, simultaneous realtime, rough drafts, expedited transcripts, and have three to four redundant backup files running at all times, including synchronized audio files that follow every word as it is spoken and written stenographically into the realtime transcript.

- **WCRA does not condone or support “Digital Reporting”**

Because Digital Reporting is not Court Reporting, is not regulated, and carries significant risks, WCRA does not condone the practice for attorneys or litigants in the State of Washington. The National Association of Court Reporters also does not condone or support the practice.

*The Court of Appeals
of the
State of Washington*



August 19, 2016

Supreme Court Rules Committee
c/o Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Changes to CR 80-Court Reporters

The Washington Court Reporters Association proposed additional language to Civil Rule 80 (CR 80) raises concerns. As the current rule language sets out the superior courts have the "sole discretion" to utilize electronic recording equipment to capture the court proceedings. Courts also, under the current rule language, may cause "shorthand or stenographic notes thereof to be taken". In either case, the court is responsible to create an official objectively created record not the case participants.

The suggested change would be in direct conflict with the spirit of General Rule 35-Official Certified Superior Court Transcripts (GR 35) in terms of the certification language provisions in part (e) 4, "I am in no way related to or employed by any party in this matter, nor any counsel in the matter;". It would seem possible now for a party to privately hire a court reporter to sit in a courtroom and take notes (provided it is not disruptive) for their own use and not be construed as an official court record. Likewise with current technology anyone can sit in a courtroom with a hand held recorder and record the proceeding. If a transcript is created from the private recording there would be similar concerns. That practice would then conflict with the certification provisions of GR 35 under part (e) 2, "I received the electronic recording directly from the trial court conducting the hearing;".

The appellate courts rely upon verbatim report of proceedings on cases under review. The integrity and reliability of the official record of court proceedings must be maintained. The proposed rule would create an environment where those litigants with financial means could lawfully produce a private record to be filed with the court. It will be very difficult for the appellate court to determine which record is the official record if this rule proposal is adopted and more than one transcript is filed for the same proceeding. The proposal allowing a party to arrange for record creation and allow its use for appellate review has the potential to introduce confusion and conflicts to the process, and ultimately threaten the integrity and reliability of the official court record. In addition, the proposed practice has the potential to delay the perfection process while the trial court settles the record. RAP 9.5(c) & (d). For all of the aforementioned reasons, we do not support the proposed change to Civil Rule 80 (CR 80) currently under consideration by the Supreme Court.

Sincerely,

Handwritten signature of Richard D. Johnson.

Richard D. Johnson
Clerk/Administrator
Court of Appeals, Division I

Handwritten signature of David Ponzoha.

David Ponzoha
Clerk/Administrator
Court of Appeals, Division II

Handwritten signature of Renee S. Townsley.

Renee S. Townsley
Clerk/Administrator
Court of Appeals, Division III

WASHINGTON STATE
BAR ASSOCIATION
MEMO

To: WSBA Board of Governors
From: WSBA President Bill Pickett and Chief Communications and Outreach Officer Sara Niegowski
Date: May 17, 2019
Re: Discussion: Governor updates and other communication

DISCUSSION Discussion with goal of a recommendation for how to move forward with Governor updates and other Board communications

Background

For several years, the WSBA has grappled with how to best support Governors with their obligation to communicate with members while maintaining best organizational practices (see below). Currently, the WSBA regularly sends out board information to members via e-blast recaps following each regular meeting, the OnBoard and Need to Know features and other articles in *NWLawyer* magazine, website updates, targeted outreach messages and meetups (including regular listening tours), and standalone emails as necessary. Governors who want to send a specific e-mail message/update to their district or associated stakeholders are invited to send a draft to the Chief Communication and Outreach Officer, who edits lightly for typos and grammar errors and coordinates with General Counsel to screen for other potential liability. The Executive Director and WSBA President, as the organization’s official spokespeople, screen the final draft and coordinate with the authoring Governor, if necessary, when there are concerns about content. Governors can also work with WSBA’s Outreach team to set up meetings in their district. Because of multiple considerations (see below), the current system of Governor updates/communication neither adheres to best organizational practices nor appears to be satisfactory to most—or perhaps *all*—Governors.

With a goal of following organizational best practices, how can we recognize all the considerations at play to establish a communication procedure—and system for accountability—that allows Governors to satisfactorily communicate with members?

Organizational best practices

- A consistent message from WSBA and governors with consistent facts and information.
- One official spokesperson.
- Open, transparent processes to support open, transparent communication.
- Robust dialogue and debate in public meetings that leads to common understanding; even if governors do not necessarily support the majority viewpoint, all should be able to articulate to members and the public the “why” behind a decision and how it aligns with the WSBA’s mission.
- A professional, dispassionate viewpoint and balanced perspective in all messages.
- No personal attacks.
- Clear process and procedure to ensure that everyone adheres to norms and expectations.

Considerations

- The WSBA cannot use its communication channels to distribute content that is inaccurate, contrary to Bylaws or Court Rules, or potentially of legal risk; General Counsel will screen Governor updates for such liability.
- The WSBA President, Executive Director, and General Counsel are often in the unenviable position of negotiating and making decisions about content in governor updates.
- Governors who dissent from the majority have in some cases declined to dispassionately communicate the board's position about decisions they disagreed with.
- There is often no agreement on "facts" and underlying motivation behind board action.
- Members already receive a considerable amount of email from the WSBA.
- Some Governors are using WSBA communication channels and non-WSBA communication channels to send, in their official capacity, information that has not been screened in any way.
- The current process for Governor updates takes considerable time and cannot accommodate requests for same-day (or often next-day) distribution.

Discussion questions

- What is the overall goal of Governor updates and communications?
- Is email the best medium for Governors to achieve their communication goals?
- What has worked well, both as a Governor sending updates and as a Governor reading other Governors' updates?
- What has not worked well, both as a Governor sending updates and as a Governor reading other Governors' updates?
- Who should be responsible for screening Governor updates and what happens when there is a disagreement about content?
- What are the next steps?

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Public Session Minutes

Olympia, WA

March 7, 2019

The Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Thursday, March 7, 2019, at 10:35 a.m., at the Hotel RL, Olympia, Washington. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
Peter J. Grabicki
Carla Higginson (phone)
Kim Hunter
Jean Y. Kang
Russell Knight
Christina A. Meserve
Athan P. Papailiou
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.) (phone)

Also in attendance were President-elect Rajeev Majumdar, Executive Director Paula Littlewood, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Director of Human Resources Frances Dujon-Reynolds, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane.

REPORT ON EXECUTIVE SESSION

President Pickett reported that the Board discussed a potential litigation matter during Executive Session.

PRESIDENT'S REPORT

President Pickett advised that he had recently travelled to Cambodia on an outreach mission and wanted to make clear that the trip was not Bar related and no Bar money was used to finance the trip. In addition, he emphasized how important it is that people who are in difficult circumstances work in collaboration if they are going to move forward.

MEMBER AND PUBLIC COMMENT

Several WSBA employees commented on recent Board actions, including a reminder for the Board to think about its actions, civility, doing the right thing, and abstaining from offensive personalities; support for Executive Director Littlewood; concern about the delay in publicly announcing Executive Director Littlewood's termination; concern that a Board member commented at the January Board meeting that staff sounded like a lynch mob and the Board made no attempt to reprimand that Board member; and concern that the Board's new direction may not include diversity and inclusion training and education.

Other public comments included a request for the President to do a "State of the Bar" more than once a year and to include more controversial topics; concern regarding the amount of tension in the meeting room; talk in the State Legislature that the Board is out of control; that ESHB 1788 is moving forward in the Legislature and the legislators know what is going on with this Board; that the Board should solicit input from the membership regarding any "new direction" in leadership; clarifying that the Board's role is to the organization and the membership; concern that the Board is not actively involved in opposing HB 1788; and concerns about Board leadership, transparency, accountability, and diversity.

Concern was expressed that Board Public Session meetings were the wrong venue for non-lawyer employees of the Bar to speak up. The employees present clarified that their managers were consulted, that they were following WSBA policies, and that some employees attending the meeting took vacation time to do so because they care about what is happening.

Comments regarding the Mandatory Malpractice Insurance Task Force recommendations on the agenda for discussion included: a survey of the members should have been done; freedom of choice regarding whether to carry malpractice should be retained; the Task Force presented no evidence that plaintiffs who have worthy claims against uninsured attorneys have had any problems collecting judgments; mandatory malpractice insurance would be a windfall only for the insurance companies since there would be a captive market allowing insurance companies to raise rates at will, which would then be passed on to the public; insurance companies would effectively be able to disbar attorneys by refusing to insure them; and pro-bono and low-bono attorneys would disappear over time and poorer members of the public would suffer.

Governor Papailiou moved that Paula Littlewood be retained as the Executive Director through the conclusion of the Washington Supreme Court Bar Structure Work Group. Discussion ensued later in the meeting regarding whether this was a personnel issue and whether Public Session was the correct forum in which to address it. Governor Stephens asked that the vote on Governor Papailiou's motion be a roll call vote.

Governor Bridges stated that the motion was not appropriate under rules mentioned earlier in the meeting and moved to call the question. Discussion continued about whether the motion was appropriate under the rules. Governor Stephens requested a roll call vote on Governor Bridges' motion to call the question, which passed 8-5. Governors Bridges, Grabicki, Higginson, Hunter, Kang, Sciuchetti, Swegle, and Tollefson voted yes. Governors Clark, Knight, Meserve, Papailiou, and Stephens voted no.

Details were requested regarding the process to appoint an Interim Executive Director. Governor Papailiou's motion that Paula Littlewood be retained as the Executive Director through the conclusion of the Washington Supreme Court Bar Structure Workgroup failed 4-8. Governors Clark, Meserve, Papailiou, and Stephens voted yes. Governors Bridges, Grabicki, Higginson, Hunter, Kang, Knight, Sciuchetti, and Swegle voted no. Governor Tollefson was not present for this vote.

Governor Meserve questioned whether the action taken to terminate Executive Director Paula Littlewood had been appropriately taken in Executive Session. Governor Hunter moved to terminate Executive Director Paula Littlewood effective March 31, 2019, and accepted Governor Higginson's friendly amendment to conserve the vote taken during the January 17, 2019, Executive Session. It was requested the basis for the motion be articulated for the benefit of the public and those in the audience and concern was expressed regarding talking about these matters outside of Executive Session. Discussion followed. Governor Bridges moved to amend Governor Hunter's motion and friendly amendment to include all subsequent decisions and actions taken. Motion died for lack of a second. Discussion continued, including questions about the underlying reason for the termination, concern about whether the discussion was appropriate in Public Session, and appropriate procedures for the action.

Governor Higginson called the question. Motion passed 9-4. Governors Bridges, Grabicki, Higginson, Hunter, Kang, Knight, Sciuchetti, Swegle, and Tollefson voted yes. Governors Clark, Meserve, Papailiou, and Stephens voted no. Governor Hunter's original motion with friendly amendment to terminate the employment of Executive Director Paula Littlewood effective March 31, 2019, and reconfirm the January 27, 2019, vote of the termination of the employment of Executive Director Littlewood, modifying the end date to March 31, 2019, passed 9-4. Governors Bridges, Grabicki, Higginson, Hunter, Kang, Knight, Sciuchetti, Swegle, and Tollefson voted yes. Governors Clark, Meserve, Papailiou, and Stephens voted no.

CONSENT CALENDAR

Nothing was pulled from the consent calendar.

RECOMMENDATIONS FROM MANDATORY MALPRACTICE INSURANCE TASK FORCE – Hugh Spitzer, Chair, and Doug Ende, Chief Disciplinary Counsel

Chair Spitzer presented the Task Force report, which recommends adoption by the Washington Supreme Court of a mandatory malpractice insurance rule for lawyers. He reviewed the Task Force's key findings, possible approaches considered, recommendations, exemptions considered but not recommended, feedback-gathering process, the main concerns expressed by WSBA members, and the benefits of mandatory malpractice insurance. Counsel Ende provided

background on the reasons for the Board's creation of the Task Force and acknowledged the diligent work of the appointed Task Force volunteers.

Ensuing discussion included comments by members regarding the following:

- availability of malpractice insurance, through the Legal Foundation of Washington's program, for lawyers who provide civil legal aid and pro bono services;
- the observation that the Oregon PLF model is a success;
- concern that the Task Force had not adequately identified a problem in Washington;
- asserted conflicts of interest, lack of solo practitioner representation, and lack of an experienced statistician on the Task Force;
- distrust of the insurance industry;
- a contention that uninsured lawyers keep premium rates down because they can cancel their policies, resulting in more competition;
- concern that insurance companies will dictate the way lawyer's practice law;
- concern that a mandatory malpractice insurance requirement will impose an unfair burden on retired attorneys who do a small amount of pro bono work or serve underrepresented communities;
- whether to carry malpractice insurance should be a personal decision; and
- if there is to be a regulatory requirement it should be mandatory disclosure rather than mandatory insurance, as well as improved communication to the public about how to select a lawyer.

Governor Bridges recognized that Task Force did what the Board had asked it to do, and expressed the opinion that all concerns raised at this meeting could be addressed by including additional exemptions in a draft rule. Chair Spitzer addressed several questions and issues that had come up during the discussion by making the following points:

- as alternatives to mandatory insurance, the Task Force considered performance bonds and letters of credit but concluded they provide less protection and/or are too expensive;
- because statistics on uncollectable judgments are extremely or impossible difficult to obtain, the Task Force relied on multiple sources of information cited the Task Force

report, including case law, academic studies, and anecdotal reports from lawyers in the industry;

- the Oregon PLF model was not recommend because it would costly, laborious, and complicated to implement, and because the open market system provides more flexibility; and
- the Task Force heard little from the Washington public, but information from other states suggest that the vast majority of the public assumes that all lawyers are required to carry malpractice insurance and 78% of the public thinks it should be mandated.

Chair Spitzer advised that the Task Force would be willing to gather additional Washington-specific information if the Board provides it with a budget to do so.

Governor Stephens recommended the scheduling of a half-day, public-session special meeting prior to the May 2019 Board meeting, when the item is expected to be on the agenda for action; such a meeting would be devoted exclusively to receiving additional member and public comment on the Task Force recommendation. It was the consensus of the Board to do so.

INPUT ON WSBA BOARD OF GOVERNORS NO RETALIATION POLICY – WSBA Employees

Several WSBA employees thanked President Pickett for allowing them the opportunity to be heard and referred the Board to the information contained in Late Late Materials. Before presenting the materials, they reported that comments had been made to them at this meeting that felt threatening and that one of commenters was a candidate for the Board.

Several employees read the statement contained in Late Late Materials and asked the Board to pass a stronger No Retaliation Policy that included specific procedures and policies. They concluded by referring the Board to the model policies contained in the materials.

Governor Stephens stated that he was glad staff felt safe enough to come before the Board to express their concerns, that some of staff's points are well taken, and that he would like to have this item referred to the Personnel Committee for consideration. Governor Grabicki agreed and stated that the comment to staff that they are at-will employees crossed the line and should be

reported to the Human Resources Director. Discussion followed, including how to address employee concerns and whether a board/employee forum would be helpful or appropriate; and questions about the Board's new direction.

Governor Meserve stated that the Personnel Committee would be happy to take staff's recommendations and suggestions contained in Late Late Materials, make revisions, and return with a policy, but did not want to run interference with the investigations the Court had ordered and did not want to re-traumatize anyone, therefore, the Committee would move carefully. In answer to President Pickett's request that the Personnel Committee be allowed to transmit a letter to Director of Human Resources Dujon-Reynolds in the next couple of weeks to share with staff, Governor Higginson expressed concern with the Personnel Committee speaking for the Board.

REQUEST FOR BOG SUPPORT OF DIVERSITY COMMITTEE STATEMENT OF SOLIDARITY – Governor Alec Stephens, and KJ Williams, Diversity Programs Manager

Governor Stephens referred the Board to the information contained in the meeting materials, explained the impetus for the request, and reviewed the statement. He then moved that the Board approve its support of the Diversity Committee Statement of Solidarity. Motion passed unanimously.

RESOLUTION OF THE STATUS OF THE OFFICE OF TREASURER

Governor Grabicki moved:

(1) After careful review of the WSBA governance documents, particularly the Bylaws, the Board acknowledges that suspension of an officer is not within the powers or the authority of the Board; rather, the Board can only remove and then replace an Officer, and removal requires an affirmative vote of 75%, thus the vote for "suspension" of an officer was not within the scope of the Board's authority and such action was a nullity;

(2) With respect to the two claims that are before us at the present time, Mr. Bridges will be excluded from any consideration, discussion, or decision with respect to such claim; he will be completely walled off; he will leave the room during those discussions and will not be part of that at all;

(3) That we request Outside Counsel, who has been assigned to the Bridges claim, Suzanne Michael, to commission an independent investigation of that claim; and

(4) Upon receipt of the report of that investigation we can consider what further action, if any, this Board should take.

Governor Grabicki clarified that the intent of #1 was that the BOG did not have the power to do what it did in January (temporarily suspend Dan Bridges from Treasurer authority) since the BOG has no authority to suspend an officer, so Governor Bridges was still the WSBA Treasurer. In answer to an inquiry, General Counsel Shankland stated that the Board had received her advice via email regarding whether the Board could act on something the WSBA Bylaws were silent about, and that she could not advise the Board in Public Session other than to state there were probably two reasonable interpretations.

Discussion ensued regarding Governor Bridges' participation in the drafting of the motion and not voluntarily recusing himself during this conversation to avoid appearances of impropriety and conflicts of interest; whether the motion was actually for reconsideration and could be raised at this time; whether to go into Executive Session to receive advice of counsel; the message that would be sent by reversing the decision to temporarily remove Governor Bridges as Treasurer; the importance of the Board understanding the impact it has on employees; that Governor Bridges has continued to call himself Treasurer and the Board has done nothing to reprimand him; the hypocrisy of the Board's interpretation of the bylaws reflected in its desire to do very thing now that it stated it could not do earlier in this meeting regarding voting on Executive Director Littlewood's termination; and the Board's perceived manipulation of *Robert's Rules of Order* based on what the Board's motives are in the moment.

It was the consensus of the Board to take a roll call vote. Motion passed 7-4-2. Governors Grabicki, Higginson, Hunter, Knight, Sciuchetti, Swegle, and Tollefson voted yes. Governors Clark, Meserve, Papailiou, Stephens voted no. Governors Bridges and Kang abstained. In answer to an inquiry regarding whether a two-thirds majority was required, General Counsel Shankland responded no since it was a motion to say that the original motion was null.

RESOLUTION IN RECOGNITION OF CHIEF JUSTICE MARY E. FAIRHURST

Governor Clark moved to adopt the resolution contained in the meeting materials honoring Chief Justice Fairhurst. Motion passed unanimously.

ADJOURNMENT

There being no further business, the Public Session portion of the meeting was adjourned at 6:35 p.m. on Thursday, March 7, 2019.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS EMERGENCY MEETING

Public Session Minutes

Conference Call

March 12, 2019

The Emergency Public Session Meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Tuesday, March 12, 2019, at 2:10 p.m. by telephone conference call. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
Peter J. Grabicki
Carla Higginson
Jean Y. Kang
Russell Knight
Christina A. Meserve (in person)
Athan P. Papailiou
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle (in person)
Judge Brian Tollefson (ret.)

Also in attendance were President-elect Rajeev Majumdar, Executive Director Paula Littlewood, General Counsel Julie Shankland, Director of Human Resources Frances Dujon-Reynolds, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Outreach and Legislative Affairs Manager Sanjay Walvekar, and Executive Assistant Margaret Shane. Governor Hunter was not present for the meeting.

President Pickett announced that this emergency meeting was requested by Governor Sciuchetti in order to discuss House Bill 1788 (bill) pending before the Washington state Senate. Governor Sciuchetti gave an overview of the history of the legislation and Legislative Affairs Manager

Walvekar explained the history and makeup of the Stokesbary bill, the Jinkins bill, and the subsequent striking amendment proposed by Senator Pedersen. Governor Sciuchetti reported that the Washington Supreme Court (Court), by majority, asked Senator Pedersen not to advance the bill at this time and that the Senator demurred and indicated the striking amendment.

Discussion ensued regarding the Board opposing the bill; letting the Court take the lead and if the Court opposes the bill, then endorsing the Court's decision rather than getting out in front of the Court; it being premature for the Board to make a statement to the Legislature at this time, rather waiting to see what the striker amendment proposes, and understanding the underlying intent in connection with the Court's Bar Structure Workgroup; concern that the Board opposing the legislation at this time would be viewed as self-dealing consistent with the Board's behavior at its previous meeting; taking no position at this time and waiting until further information as available and taking a position later; opposing the bill at this time and then switching if there is an amendment that makes the bill better; opposing the bill now and reconvening at a later date to discuss any amendments; and joining the Court's request not to advance the bill at this time and then reconsider only after the Structure Workgroup's work is complete.

President Pickett then took comments from members on the phone, which included: the bar retrieving its ability to self-govern that was conferred on the members in 1933 and has been gradually eroded by the Court stating it has plenary authority; whether the WSBA was being bifurcated; support for the Board declaring its position soon as the bill seemed to be moving fast; opposition to the bill in its current form; concern for loss of services and disproportionate impact on small and solo law firms; importance of letting the Legislature know what the Board wants, whether the Board opposes the bill or not, so the Board will have content in the striker amendment; whether the Governors' use of the word "members" included Limited License Legal Technicians (LLLTs) and Limited Practice Officers (LPOs); the importance of the Board deciding at this meeting whether to take a position then be prepared to have a serious and meaningful conversation regarding substantive changes to the bill at this point rather than just saying, "No;" the Court overreaching in thinking the WSBA is its personal agency, making it time to form a voluntary bar association and leave regulatory and discipline under the direction of the Court and its budget, and because the Board takes political positions the members do not agree with; and

when the Board speaks, it speaks for every member of the state, which proves that there is compelled speech, resulting in a *Janus* challenge.

In answer to an inquiry regarding whether there will be an impact on resources with the loss of the Executive Director at the end of March, Governor Swegle replied that the organization's staff are strong and experienced, that all key positions are filled, the organization is working well, and a succession plan is in the works because the continuity of the organization and the services it provides are important, and the loss of the Executive Director will not put the functioning and the finances of the organization in doubt. Director Nevitt clarified that any big staff change can be disruptive, but the work of the organization continues.

In reply to concerns regarding the speed with which the bill is moving through the Legislature, Manager Walvekar reported that he had a productive discussion with Representative Stokesbary on February 19 and spoke with Representative Jinkins and conveyed her thoughts to the BOG Legislative Committee. He emphasized that the Legislative Committee had not been caught unaware of this bill and has held substantive discussions regarding the legislation and how to proceed since February 8. In reply to an inquiry regarding the assertion that this bill sailed through the House because the Legislature does not like this Board, Manager Walvekar replied that he had not heard anything regarding that assertion from Representatives Stokesbary and Jinkins, but that the Representatives have been watching the Board meetings for the last several months. Governor Meserve stated that she had heard that assertion stated in her district, which includes a number of lawyers who work with and for the Legislature. In addition, she reminded the Board that Immediate Past President of the Government Lawyers Bar Association Brian Considine alluded to that assertion at the March 7, 2019, Board meeting when he spoke to the Board and it had since been confirmed.

Further concerns from members included: because of the velocity of the bill, WSBA members are not fully informed, there will be no time to seek input from members, and the bill will be passed before consensus can be sought; the importance of giving WSBA's Lobbyist (Manager Walvekar) direction regarding the Board's stand on this bill; and the importance of the Board acting in opposition to the bill even if some members do not agree.

Governor Grabicki announced that the striking amendment proposed by Senator Pedersen. Discussion followed regarding the amendment's effect, including whether it adequately addressed successorship issues and whether the Board should take action at this meeting or delay to seek member input. President Pickett stated that he would be willing to promptly set another Emergency Meeting. Governor Higginson asked to be recognized so she could make a motion. Executive Director Littlewood advised that the striking amendment would be sent to the members promptly. She explained that the draft amending language she had previously sent to the Board was proposed during the Governance Work Group and was similar to the striking amendment. Governor Higginson moved: be it resolved that the WSBA Board of Governors is opposed to ESHB 1788 and any other attempt to amend or repeal the State Bar Act until the Supreme Court WSBA Structure Workgroup has completed its work. Motion passed 10-2 with Governors Bridges, Clark, Grabicki, Higginson, Kang, Knight, Sciuchetti, Stephens, Swegle, and Tollefson voting yes, and Governors Meserve and Papailiou voting no. Governor Swegle requested that the Court be given the roll call vote on this motion.

Governor Stephens moved to inform the WSBA members about the bill and that the Board has taken the position to oppose the bill; inform the WSBA members of the striking amendment and share the amendment with the members; ask for member comments; and reserve the right to come back to take further action. Motion passed unanimously. Governor Bridges was not present for the vote.

ADJOURNMENT

There being no further business before the Board in Emergency Public Session, the Emergency Public Session was adjourned at 3:55 p.m. on Tuesday, March 12, 2019.

Respectfully submitted,

Terra Nevitt
Interim WSBA Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS EMERGENCY MEETING

Public Session Minutes

Conference Call

March 15, 2019

The Emergency Public Session Meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Friday, March 15, 2019, at 12:40 p.m. by telephone conference call. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
Peter J. Grabicki
Carla Higginson
Jean Y. Kang
Russell Knight
Athan P. Papailiou
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were President-elect Rajeev Majumdar, Executive Director Paula Littlewood, General Counsel Julie Shankland, Chief Regulatory Counsel Jean McElroy, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Outreach and Legislative Affairs Manager Sanjay Walvekar, and Executive Assistant Margaret Shane. Governors Hunter and Meserve were not present for the meeting.

President Pickett announced that this emergency meeting was requested by Governor Sciuchetti in order to discuss House Bill 1788 (bill) pending before the Washington state Senate. Governor Sciuchetti stated that the purpose of the meeting was to decide who to send to Olympia to speak to the bill and encouraged other Governors, and perhaps Officers, to join him. Governor

Higginson moved to appoint Governors Sciuchetti, Swegle, and Stephens, and President-elect Majumdar to be the official representatives of the WSBA before the Senate Law and Justice Committee and to other legislators with regard to presentation of the resolution adopted March 12, 2019, opposing ESHB 1788, and with regard to the talking points for the WSBA's position; and that Governor Sciuchetti shall be the chair of this BOG committee, which shall develop talking points. She clarified her motion by stating that the Governors named in the motion represent a good cross-section of the Governors and would be able to decide on talking points.

Governor Papailiou requested that it be noted in the record that he had questions whether the WSBA Bylaws permit the Board to appoint a committee since the Bylaws state that the President appoints people to committees and that the President and the Executive Director are the spokespersons of the WSBA. Discussion followed about interpretation of the Bylaws.

Concern was expressed regarding the use of the word "committee" in Governor Higginson's motion and she agreed to a scrivener's change resulting in the following: Appoint Governors Sciuchetti, Stephens, and Swegle, and President-elect Majumdar to be the official representatives of the WSBA before the Senate Law and Justice Committee and to other legislators with regard to presentation of the resolution adopted March 12, 2019, opposing ESHB 1788 and with regard to the talking points for the WSBA's position. The group shall develop the talking points for their presentation to the Senate Law and Justice Committee and to other legislators.

Comments included: a request for a more in-depth presentation on why the Board members opposed the bill rather than just supporting a "no" stance; concern that the Board was being asked to vote on the motion without knowing what the message to the Senate Law and Justice Committee was going to be; concern that the WSBA has 40,000 plus legal professionals and that the official communique on this issue may be construed as forced political speech; requesting that the legislation be stopped at this point until the Washington Supreme Court (Court) Structure Workgroup (Workgroup) completes its work, giving the WSBA members time to weigh in before the Board goes to the Legislature; the opinion that legislation removes roadblocks for

the Workgroup and acknowledges the plenary authority of the Court to make decisions related to the WSBA; and concern that the Board's approach did not address the striking amendment, which made substantive amendments that addressed the concerns with the original legislation. Governor Stephens moved to call the question. Motion passed 9-1. Governor Higginson's revised motion passed 9-1. Governor Knight was not present for the vote on these two motions.

ADJOURNMENT

There being no further business before the Board in Emergency Public Session, the Emergency Public Session was adjourned at 1:20 p.m. on Friday, March 15, 2019.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Public Session Minutes

Seattle, WA

April 18, 2019

The Special Meeting Public Session of the Board of Governors of the Washington State Bar Association (WSBA) by phone was called to order by President Bill Pickett on Thursday, April 18, 2019, at 2:05 p.m., recessed at 2:11 p.m., and reconvened at 3:21 p.m. Governors in attendance were:

Dan W. Bridges
Carla Higginson
Russell Knight
Chris Meserve
Athan P. Papailiou
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Chief Operations Officer Ann Holmes, Director of Human Resources Frances Dujon-Reynolds, and Chief Communications and Outreach Officer Sara Niegowski. Governor Knight was not present for the reconvened public session.

President Pickett welcomed everyone in attendance and stated that the purpose of the Special Meeting was to confirm the appointment of Interim Executive Director Terra Nevitt, meet with legal counsel in Executive Session to discuss pending litigation, and if needed, take action in public session related to matters discussed in executive session.

Several WSBA members participated by telephone, some identified themselves. President Pickett directed that the Minutes reflect the objection raised by Lincoln Beaugard that the Open Public Meetings Law does not require meeting participants to identify themselves.

APPOINTMENT OF TERRA NEVITT AS INTERIM EXECUTIVE DIRECTOR

Carla Higginson moved to confirm the appointment of Terra Nevitt as Interim Executive Director. Motion passed unanimously.

REPORT ON AND ACTION RELATED TO EXECUTIVE SESSION

President Pickett reported that the Board discussed a pending litigation matter in Executive Session. Governor Stephens moved to authorize counsel to proceed as advised with the litigation. In response to concerns voiced about the motion's lack of transparency, Governor Stephens identified Beaugard v. WSBA as the litigation matter discussed, and stated that the Board cannot otherwise share litigation strategy. Motion passed.

ADJOURNMENT

There being no further business, the Public Session meeting was adjourned at 3:29 p.m. on Thursday, April 18, 2019.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Public Session Minutes

Seattle, WA

April 22, 2019

The Special Public Session Meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Monday, April 22, 2019, at 1:05 p.m. Governors in attendance were:

Daniel D. Clark (phone)
Peter J. Grabicki
Carla Higginson
Kim Hunter (phone)
Chris Meserve
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were Interim Executive Director Terra Nevitt, Associate Director of the Office of General Counsel Lisa Amatangel, Chief Disciplinary Counsel Doug Ende, Director of Human Resources Frances Dujon-Reynolds, and Disciplinary Program Manager Thea Jennings. President-elect Rajeev Majumdar and Governors Dan Bridges, Jean Kang, Russell Knight, and Athan Papailiou were not present for the meeting.

PURPOSE OF MEETING

President Pickett announced that the purpose of this special meeting was to listen to members and the public regarding the Mandatory Malpractice Insurance Task Force Report in advance of the Board taking action on the recommendations during the May 16-17, 2019, Board meeting in Yakima. Members and the public were invited to provide direct comments to the Board and raise

questions and concerns about the Report and its recommendations. President Pickett then opened the meeting to public comment.

COMMENTS AND DISCUSSION

The Board took comments from a variety of speakers, including some opposed to the concept of mandatory malpractice insurance; some, including a member of the public, who spoke in support of the proposal; and others who shared ideas for alternative models, exemptions, and next steps.

1. Comments in Opposition to Mandatory Malpractice Insurance

Those who spoke in opposition to mandatory malpractice insurance included retired/semi-retired lawyers, non-practicing lawyers, lawyers with limited practices, solo practitioners, practitioners in high-risk practice areas, and other concerned lawyers. Commentary in opposition to the Task Force recommendations included the following areas of concern:

- Cost having a disparate impact on solo practitioners;
- Uninsurability due to legal specialty;
- Prohibitively expensive for certain practice areas;
- Retired/semi-retired/retiring attorneys or those with a limited practice would no longer be able to practice;
- Lawyers providing pro bono services to nonprofits or clients not obtained through qualified legal services providers would be adversely impacted;
- Lack of representation by uninsured lawyers in private practice on the Task Force;
- Incorrect and/or insufficient data used in the ; more evidentiary support needed;
- Inadequate consideration or responsiveness by Task Force to comments;
- Feedback to the Task Force miscategorized.
- Adverse impact on access-to-justice;
- Captive market would be created resulting in increased price of professional liability insurance for all lawyers in Washington state; and
- Insurers would effectively determine who may practice law.

2. Comments in Support of Mandatory Malpractice Insurance

Those who spoke in support of the proposal included a law professor, several plaintiffs' legal malpractice lawyers, a member of the public, and several Task Force members. Commentary in support of the Task Force recommendations included the following topics:

- Lawyers, as fiduciaries, should be obligated to maintain insurance to protect special relationship with clients;
- Among a lawyer's professional duties is the duty to protect clients from the lawyer's own mistakes;
- Mandating basic coverage is an access-to-justice issue;
- Mandatory insurance would improve the image of the profession and public confidence in professional self-governance;
- Plaintiffs legal malpractice lawyers report turning down potentially meritorious cases because the defendant lawyer was uninsured, demonstrating that some harm is caused by uninsured lawyers, but the magnitude of harm is difficult to quantify;
- When uninsured lawyers are sued for malpractice, they may hide assets or threaten bankruptcy, rendering such lawyers effectively judgment proof;
- Claims submitted to the Client Protection Fund and similar funds in other jurisdictions do not provide any remedy for allegations of malpractice;
- Disclosure mechanisms are inadequate because most clients assume lawyers are insured and thus do not look for such information, and clients may not understand the consequences of the lack of insurance; and
- Insurance industry professionals reported to the Task Force that all lawyers should be able to obtain insurance, although higher risks would be charged higher premiums and might need to insure on secondary ("surplus line") markets. Additionally, no Idaho lawyer has reported to the Idaho State Bar being unable to obtain insurance.

3. Ideas for Alternative Models, Exemptions, and Next Steps

Several who spoke suggested that, as an alternative to a free market model, the Board should consider a mandatory disclosure rule to clients as a step towards addressing client protection concerns. Others suggested that if the recommendation is approved, a professional liability fund

or captive insurer option would be a better solution since member concerns about uninsurability and cost could be addressed under those models. Additionally, many advocated for a self-insurance or alternate financial instrument option for those who are able to self-insure and for those unable to obtain insurance on the private market. Finally, some proposed a vote of the membership on this issue before the Board takes any action. The Board further expressed some support for hearing from insurance industry professionals prior to taking action on the recommendations.

4. Conclusion of Comment Period

President Pickett thanked all speakers for their comments and input. He noted that the Board takes seriously the comments received and will consider them as it prepares to take its final action on the Report in May. Members and the public may submit written comments through May 1, 2019, at insurancetaskforce@wsba.org.

ADJOURNMENT

There being no further business before the Board in Special Meeting, the Special Meeting was adjourned at 5:35 pm.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

MEMORANDUM

TO: WSBA Board of Governors

FROM: Russell Knight, Chair, WSBA APEX (Acknowledging Professional Excellence) Awards Committee
Sanjay Walvekar, Outreach and Legislative Affairs Manager
Sue Strachan, Legal Community Outreach Specialist

RE: Awards Committee Recommendations

DATE: April 30, 2019

ACTION:

Approve WSBA BOG Awards Committee's APEX Award recommendations.

The WSBA BOG Awards Committee met in Tacoma on April 23, 2019 for the purpose of reviewing nominations for the 2019 APEX Awards and preparing a slate of recommended recipients for Board approval. The committee's recommendations are available in the Governor's materials via WSBA Box cloud-sharing service.

Notice of the awards and the nomination process was publicized via *NWLawyer* magazine, the *Take Note* email newsletter, the WSBA website, blast emails, social media, and other outreach to the legal community.

The awards will be presented at the APEX Awards Dinner on Thursday, September 26, 2019.

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: May 8, 2019
RE: Confidentiality of Client Protection Board Recommendations

Previously, Client Protection Board (CPB) recommendations have been provided to the Board of Governors (BOG) for consideration and action during executive session. Since the requirements of the Open Public Meetings Act will not allow for CPB recommendations to be considered in executive session going forward, the BOG will consider and act on the recommendations in public session. However, per Court Rule, all of the materials, reports, and deliberations shall not be public. (APR 15 Procedural Regulations, Regulation 13(b)).

**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. **Please do not discuss any details regarding the matters, including the names or amounts related to the matter, at the public session meeting.** If you have questions about the recommendations that you wish to bring up during public session, please use anonymous identifiers (i.e., use "Client A," etc., or refer to the matter by number). If you have in depth questions that cannot be addressed without referring to a specific client or gift amount, or you wish to act other than as recommended by the Client Protection Board, you may individually contact the Secretary of the CPB (Nicole Gustine) prior to the meeting, and, if necessary, the matter will be brought back for action at a subsequent BOG meeting.



WASHINGTON STATE
BAR ASSOCIATION

MEMO

To: President, President-elect, and Governors

From: Don Curran, Chair, Committee on Professional Ethics (CPE)
Jeanne Marie Clavere, Staff Liaison

Date: May 16, 2019

Re: Correction of typo in RPC 6.1(a)(2)

CONSENT: Approve typographical correction to RPC 6.1(a)(2) Pro Bono Publico Service

Discussion: It has been brought to the CPE's attention that there is a minor typographical error in RPC 6.1(a)(2). The word "civil" should be "civic" to mirror the ABA Model Rules of Professional Conduct. This is a minor technical correction and not considered substantive. The CPE recommends approval of the recommended revision.

Attachments:
RPC 6.1(a)(2) Redline

SUGGESTED AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE 6 – PUBLIC SERVICE

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RPC 6.1 PRO BONO PUBLICO SERVICE

Every lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay. A lawyer should aspire to render at least thirty (30) hours of pro bono publico service per year. In fulfilling this responsibility, the lawyers should:

(a) provide legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, ~~civil~~civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) Unchanged.

Comment

[1] – [16] Unchanged.

EXECUTIVE DIRECTOR'S REPORT

May 9, 2019

Congratulations to WSBA's New Governors-Elect

Congratulations to Bryn Peterson (9th District) and Tom McBride (10th District), our new Governors-elect. Bryn and Tom will be sworn-in in September 2019 for three-year terms. Congratulations are also due to Carla J. Higginson. Carla is currently serving a partial term on the Board and has been reelected to a full three-year term as the Governor for the 2nd District.

At this BOG meeting you will be selecting a Governor for the 1st District to fulfill the seat vacated by Michael Cherry. This Governor will be sworn-in immediately and serve through September 2021. You will also be selecting the 2019-2022 At-Large Governor and 2019-2020 President-elect.

Executive Leadership Transitions

WSBA's Director of Human Resources, Frances Dujon-Reynolds, has accepted a position as the Vice President for People and Culture at the Girl Scouts of Western Washington. This is an exciting opportunity for her. I'm sure you will all join me in thanking her for over 13 years of excellent service and wishing her much success in her new role.

Please also join me in welcoming Kevin Plachy and Felix Neals to the Executive Management Team. Kevin Plachy was appointed as the Interim Director of Advancement effective April 15. Kevin has served as the Education Programs Manager at WSBA for more than three years. Prior to coming to WSBA, Kevin worked for almost 20 years at Wells Fargo, most of which was in the capacity as Regional Manager of the Escrow Division in WA State. He has taught as an Adjunct Professor at Columbia College for over 20 years where he now primarily teaches economics and business classes online. He served for seven years on the Board of Directors for Eastside Legal Assistance Program. He is an active member of the WSBA and served for five years on the Limited Practice Board. Kevin brings strong business acumen and an orientation towards service to this role.

Felix Neals will assume the role of Interim Director of HR effective June 4. Felix has worked with the WSBA for six years, serving in a dual-capacity as HR Manager and in support of the Member Wellness Program as a co-lead for the Job Seekers Group and as a Diversion Administrator with the Office of Disciplinary Counsel. With over 15 years of experience in HR and licensure as a mental health counselor, Felix constantly seeks out opportunities to create an optimal experience for employees of WSBA and its members. Felix serves as a board member for the Snohomish County Council on Aging, Public Safety Commission for the City of Snohomish and as First Vice for American Legion Post 96. He holds a bachelor's degree in Journalism from Rutgers University and a masters in psychology from Pepperdine University.

Supreme Court Structures Workgroup

Members of the Supreme Court Bar Structure Work Group met for a third time on May 6. The group is charged with reviewing the structure of the WSBA in light of recent case law with First Amendment and antitrust implications. At the May meeting, the Work Group heard from Carole McMahon Boies about the Nebraska Model and from Paula Littlewood about national trends. The group also received feedback from WSBA members and the public. The Work Group is soliciting written comments via structureworkgroup@wsba.org. Comments received can be reviewed [here](#). The Work Group is scheduled to meet again on May 29, from 2-5 PM, at the WSBA offices in Seattle. Agendas, materials, notes, and videos are available on the [Work Group's page](#).

Second Quarter Member Perception Survey

Results are in for the second quarter of FY2019, and the corresponding report is posted [online](#). This survey is ongoing, with a goal to complete 105 calls (90 percent confidence level, 8 percent margin of error) each quarter to randomly selected members. The intent is to better understand members' perception of WSBA's services and programs, to show trends over time, and to improve operations and communications.

With three quarters of data under our belt, we continue to see consistently high grades for upholding high-quality standards for legal professionals, providing high-quality CLEs, supporting diversity and inclusion in the legal profession, helping members to expand access to justice in their communities, preparing the profession for changes in the future, and providing high-quality professional programs and services. Despite those high marks, we have observed a noticeable increase in questions and negative comments related to WSBA leadership and the bar structure, which may be reflected in our third quarter report.

WSBA Listening Tour

WSBA's annual listening tour kicks off May 15 in Kennewick and Yakima. President Pickett and I hope to get out to every region of the state in the coming months. As dates are firmed up we will reach out to the Governors for those regions to join us in meeting with members - where they live and work – to hear concerns and answer questions.

Streamlining the Process of Obtaining Status, Discipline and Other Certificates

The Executive Management Team has reviewed a proposal to streamline member ordering of certificates from the Regulatory Services Department (RSD) and the Office of Disciplinary Counsel (ODC). WSBA charges members for certificates showing their status (issued by RSD) and discipline history (issued by ODC). Currently, members request status certificates (\$25) by letter, and discipline history certificates (\$30) by completing an online form. In 2018, RSD and ODC began work on a project to sell certificates through the WSBA store, with goals of saving staff time, making it easier for members to order, and making the ordering process consistent in RSD and ODC. After determining that charges for certificates constitute "service and program fees" under the WSBA Fiscal Responsibilities Matrix, the Executive Management Team has approved a proposal to offer the status and discipline history certificates as products in the WSBA store, to eliminate the current charge of \$1 for additional certificate copies, to charge sales tax for the certificates whether ordered through the store or otherwise, and to

assess a \$25 charge for issuance of certificates of proof of passage of the bar exam. Descriptions of all certificates will be combined on one easy-to-locate page on wsba.org. Because fees for proof-of-passage certificates and the inclusion of sales tax will more than offset the fiscal change attributable to eliminating the additional-certificate charge, it is projected that this initiative will result in a small increase in WSBA revenue.

Litigation Update (attached)

2019 First Quarter Discipline Report (attached)

Update on Various Court Rules (attached)

Summary of WSBA Outreach Visits (attached)

Media Contacts Report (attached)

WSBA Demographics Report (attached)

Correspondence and Other Informational Items (attached)

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

To: WSBA Board of Governors and Terra Nevitt, WSBA Interim Executive Director
 From: Julie Shankland, General Counsel
 Lisa Amatangel, Associate Director, OGC
 Date: May 9, 2019
 Re: Litigation Update

PENDING LITIGATION:

No.	Name	Brief Description	Status
1.	<i>Beauregard v. WSBA</i> , No. 19-2-08028-1 (King Sup. Ct.)	Alleges violations of WSBA Bylaws (Section VII, B "Open Meetings Policy") and OPMA; challenges termination of former ED.	Order on Preliminary Injunction motion issued 04/11/19. Order on Motion for Reconsideration issued 5/7/2019.
2.	<i>O'Hagan v. Johnson et al.</i> , No. 18-2-00314-25 (Pacific Sup. Ct.)	Allegations regarding plaintiff's experiences with legal system.	Motion to Dismiss heard on 04/19/19 and taken under advisement.
3.	<i>Ralph v. WSBA</i> , No. 19-2-05754-8 (King Sup. Ct.)	Alleges violations of Washington Law Against Discrimination (WLAD), Chapter 49.60 RCW.	Discovery ongoing.
4.	<i>Hankerson v. WSBA</i> , No. 18-2-57839-6 (King Sup. Ct.)	Seeks further review of the dismissal of his grievance.	WSBA has not been served.
5.	<i>Scannell v. WSBA et al.</i> , No. 18-cv-05654-BHS (W.D. Wash.)	Challenges bar membership, fees, and discipline system in the context of plaintiff's run for the Washington Supreme Court.	On 01/18/19, the court granted WSBA and state defendants' motions to dismiss; plaintiff appealed, opening brief due 05/14/19.
6.	<i>Block v. WSBA et al.</i> , No. 18-cv-00907 (W.D. Wash.) (" <i>Block II</i> ")	See <i>Block I</i> (below).	On 03/21/19, 9th Cir. stayed <i>Block II</i> pending further action by the district court in <i>Block I</i> .
7.	<i>Eugster v. Supreme Court of Washington, et al.</i> , No. 18-2-01360-34 (Thurston Sup. Ct.)	Challenges bar membership, fees, discipline system.	Case remains stayed pending resolution of <i>Eastern District II</i> (below).
8.	<i>Eugster v. WSBA, et al.</i> , No 18201561-2, (Spokane Sup. Ct.)	Challenges dismissal of <i>Spokane County 1</i> (case no. 15-2-04614-9).	Motions to dismiss and for fees fully briefed; awaiting scheduling.
9.	<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, 9th Cir. affirmed dismissal of claims against WSBA and individual WSBA defendants; the Court also vacated pre-filing order and remanded this issue to the district court.



10.	<i>Caruso v. Washington State Bar Association, et al.</i> , No. 2:17-cv-00003-RSM (W.D. Wash.) (" <i>Caruso</i> ").	Challenges bar membership, fees, and discipline (on behalf of other lawyers).	Dismissed for failure to state a claim; fee award and pre-filing order granted. 9th Cir. affirmed dismissal and fee award, vacated pre-filing order and remanded for entry of narrower order; briefing complete.
11.	<i>Eugster v. Littlewood, et al.</i> , No. 2:17-cv-00392-TOR (E.D. Wash.) (" <i>Eastern District II</i> ")	Challenges bar membership, fees discipline system, against WSBA and Washington Supreme Court.	Dismissed based on res judicata and failure to state a claim. Dismissal affirmed; plaintiff filed petition for rehearing on 04/02/19.
12.	<i>Eugster v. Littlewood, et al.</i> , No. 17204631-5 (Spokane Sup. Ct.)	Demand for member information in customized format.	Dismissed (GR 12.4 is exclusive remedy). Appeal briefing completed. Plaintiff missed extended deadline for supplemental briefing on fees motion. Motion re fee amount heard and taken under advisement.
13.	<i>Eugster v. WSBA, et al.</i> , No. 18200542-1 (Spokane Sup. Ct.)	Alleges defamation and related claims based on briefing in <i>Caruso</i> (above).	Dismissed based on absolute immunity, collateral estoppel, failure to state a claim. Briefing complete on appeal and cross-appeal on fees. Awaiting disposition or oral argument.

WASHINGTON STATE
BAR ASSOCIATION
Office of Disciplinary Counsel

MEMO

To: Terra Nevitt, WSBA Interim Executive Director
From: Douglas J. Ende, WSBA Chief Disciplinary Counsel & Director of the Office of Disciplinary Counsel
Date: April 30, 2019
Re: Quarterly Discipline Report, 1st Quarter (January – March 2019)

A. Introduction

The Washington Supreme Court's exclusive responsibility to administer the lawyer discipline and disability system is delegated by court rule to WSBA. See GR 12.2(b)(6). 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 lawyer misconduct and disability and prosecuting violations of the Washington Supreme Court's Rules of Professional Conduct.

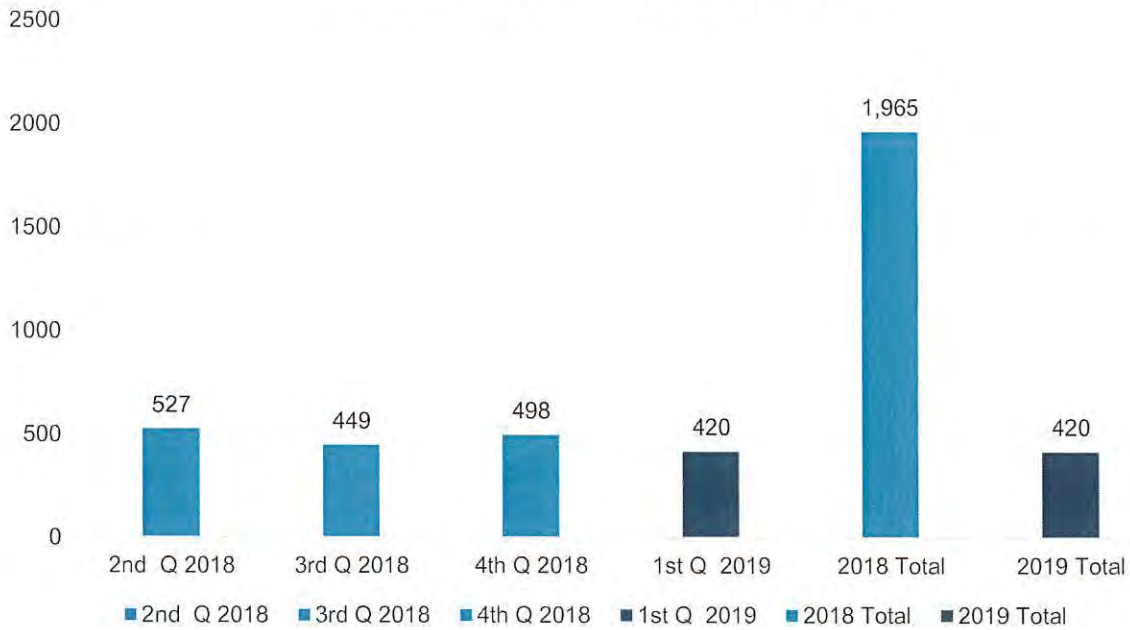
The Quarterly Discipline Report provides a periodic overview of the functioning of the Office of Disciplinary Counsel. The report graphically depicts key discipline-system indicators for 1st Quarter 2019. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2019 Discipline System Annual Report.

B. Recent Supreme Court Opinions & Other Accomplishments

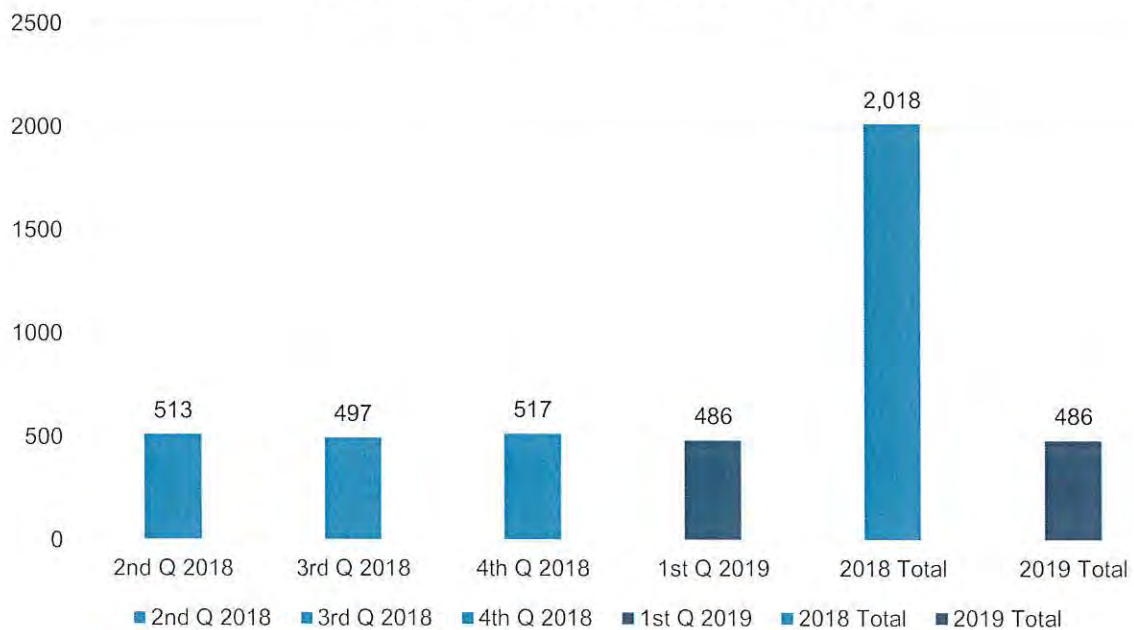
- **Discipline System Annual Report Published.** In April 2019, the WSBA issued the 2018 Discipline System Annual Report. The Report is now available and can be accessed on the WSBA website at <http://bit.ly/2018-Discipline>. The report, which is published and distributed in electronic form only, provides public information about Washington State's discipline and disability system and summarizes information about its work and achievements during the 2018 calendar year. The Annual Report also includes discipline statistics and information about limited licenses. A "snapshot" of the Report is scheduled to be published in the June 2019 issue of NWLawyer.

C. Grievances and Dispositions

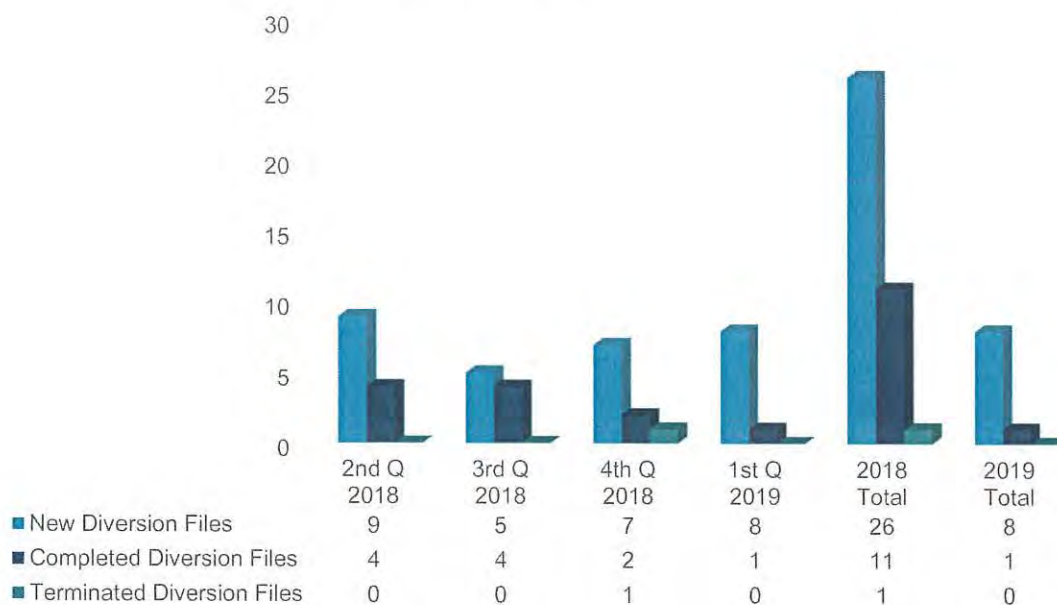
Number of Grievances Received



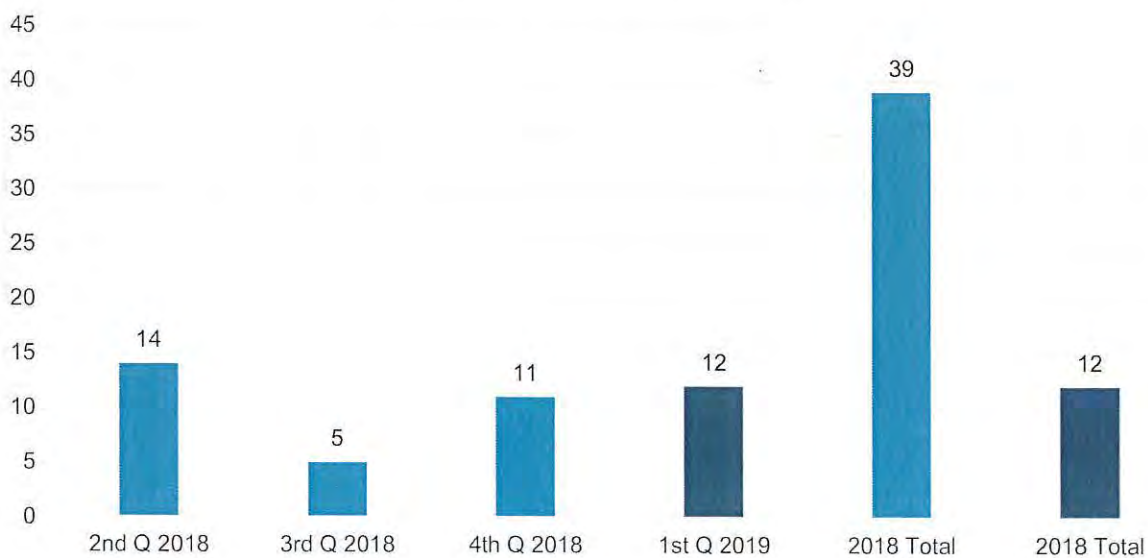
Number of Grievances Resolved



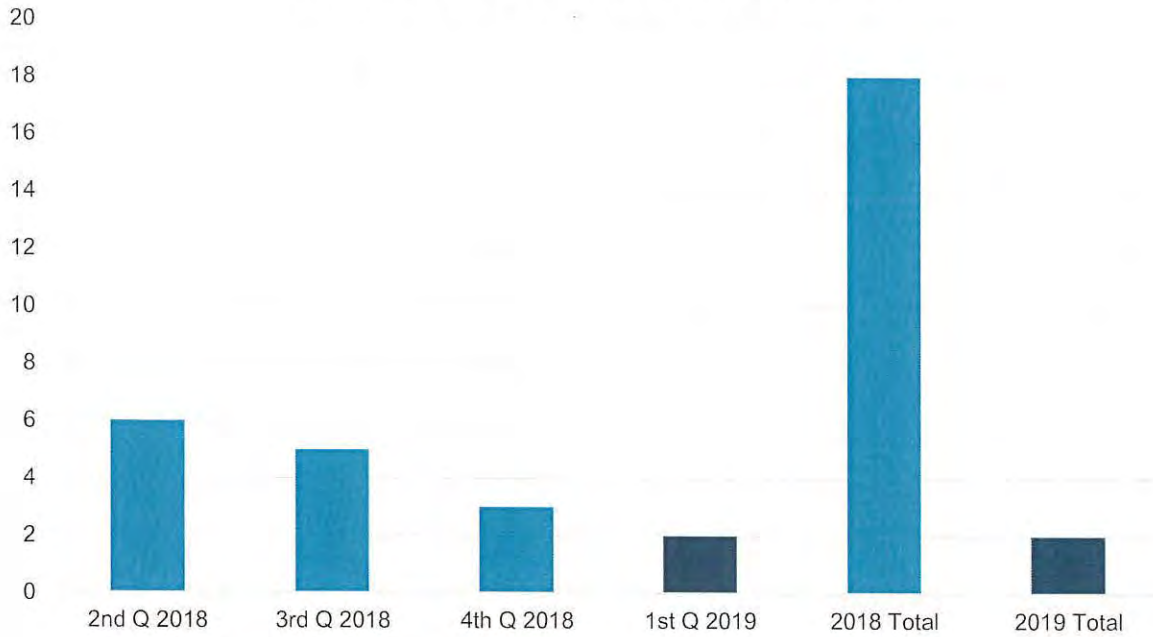
Diversion Statistics



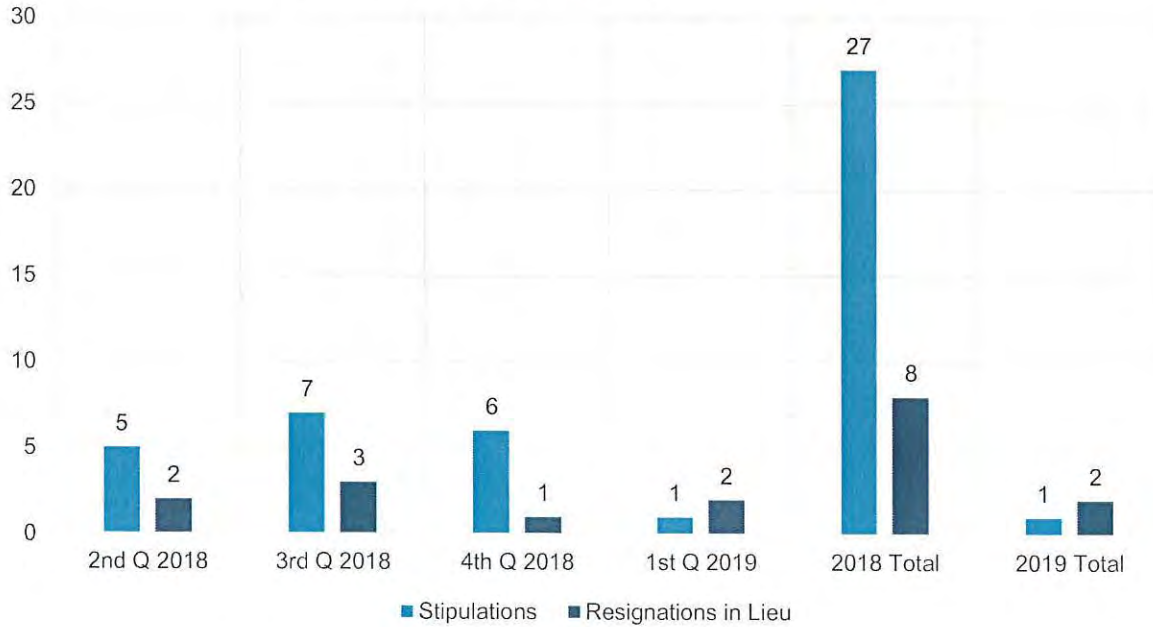
Formal Complaints Filed



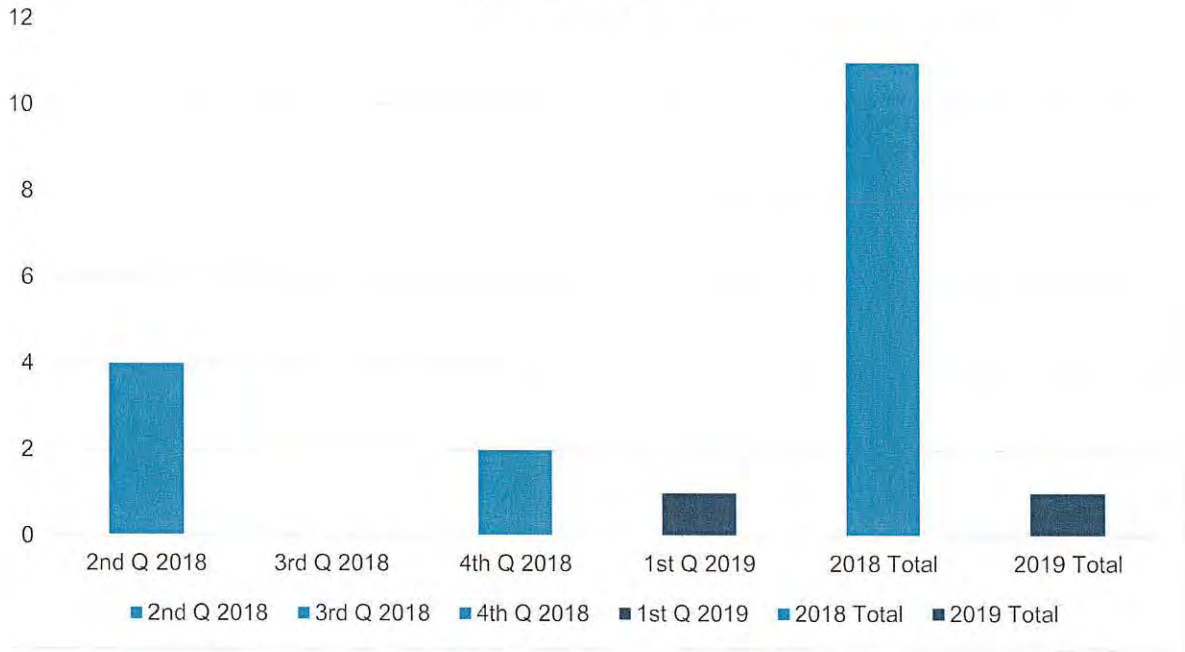
Reciprocal Discipline Files Opened



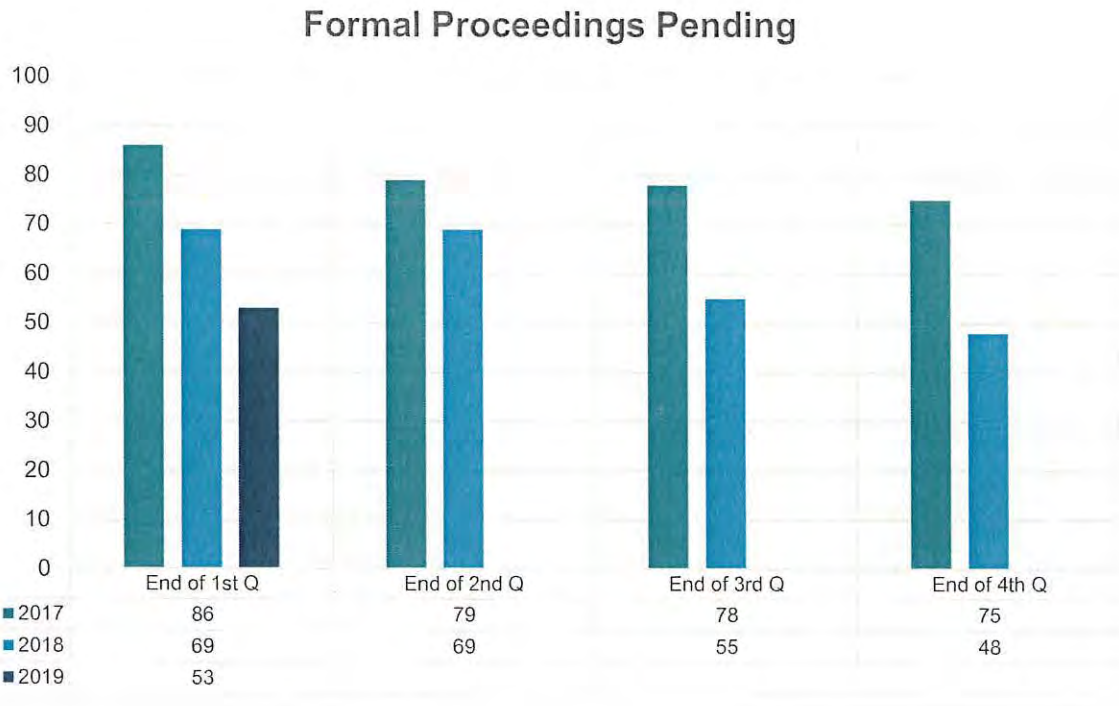
Stipulations and Resignations in Lieu



Hearings Held

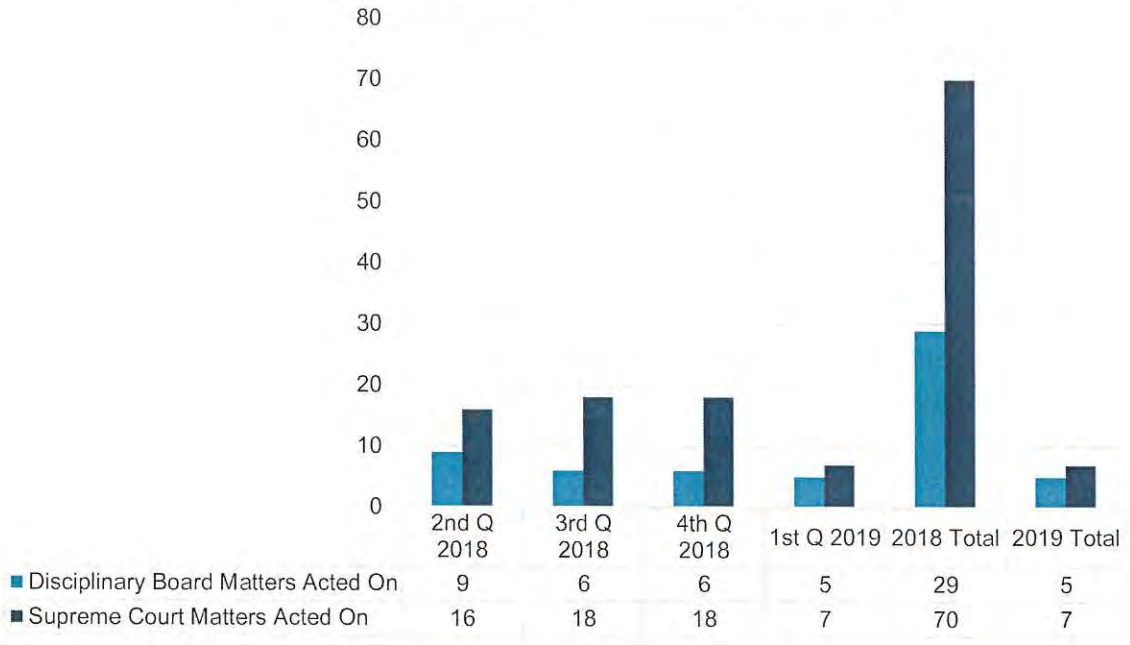


D. Pending Proceedings¹



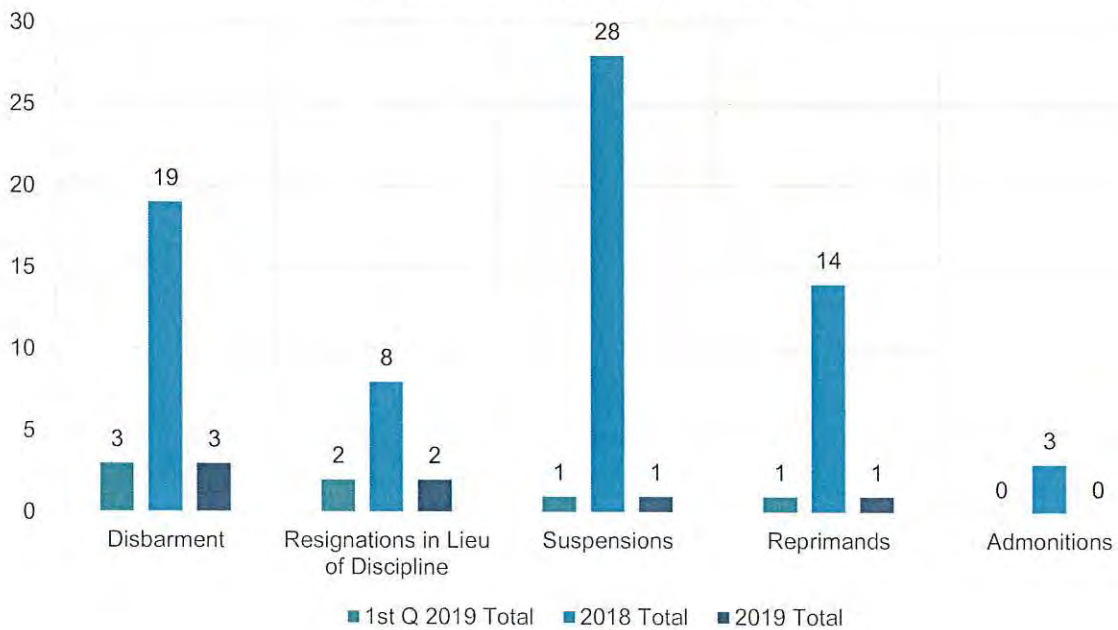
¹ In the second table in this section, the Disciplinary Board numbers reflect Board orders on stipulations and following review after an appeal of a hearing officer's findings.

Matters Acted on by Reviewing Bodies



E. Final Disciplinary Actions

Final Disciplinary Actions



F. Disability Inactive Transfers

Disability Inactive Transfers	Quarter Total
2 nd Quarter 2018	1
3 rd Quarter 2018	2
4 th Quarter 2018	2
1 st Quarter 2019	0
2018 Total	8
2019 Total	0

G. Discipline Costs²

Quarterly Discipline Costs Collected	Total
2 nd Q 2018	\$26,537.77
3 rd Q 2018	\$12,552.77
4 th Q 2018	\$14,131.22
1 st Q 2019	\$17,386.49
2018 TOTAL	\$75,784.40
2019 Total	\$17,386.49

² The cost figures may vary from amounts indicated in previous quarterly reports, statistical summaries, and annual reports, owing to discrepancies in the data available at the time of issuance of these quarterly reports and the final cost figures available after Accounting closes the monthly books.

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Nicole Gustine, Assistant General Counsel
 Date: April 25, 2019
 Re: Court Rules Update

This is the regular report on the status of suggested court rules submitted by the Board of Governors and other entities to the Supreme Court. Any changes from the last report are indicated in **bold, shaded, italicized text.**

SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>WSBA</u> TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
GR 24	Proposed amendments to GR 24 – Definition of Practice of Law.	9/28/18: Submitted to BOG as Information.	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019. 4/4/19: The Court entered an order extending the comment period, with comments to be submitted no later than August 30, 2019.
CrR 1.3, CrR 3.4, CrR 4.4, CrRLJ 4.4, CR 30	The Washington State Bar Association recommended the suggested amendments to CrR 1.3 – Effect; CrR 3.4 – Presence of the Defendant; CrR 4.4 – Severance of Offenses and Defendants; CrRLJ	9/28/18: Approved submission to Court.	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>WSBA</u> TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	4.4 – Severance of Offenses and Defendants; and CR 30 – Depositions Upon Oral Examination.		
LLLT RPCs 1.0B, 1.5, 7.1, 7.2, 7.3, 7.4, and 7.5	The LLLT Board recommended the suggested amendments to LLLT RPC 1.0B – Additional Terminology; LLLT RPC 1.5 – Fees; LLLT RPC 7.1 – Communications Concerning an LLLT’s Services; LLLT RPC 7.2 – Advertising; LLLT RPC 7.3 – Direct Contact with Prospective Clients; LLLT RPC 7.4 – Communication of Fields of Practice and Specialization; and LLLT RPC 7.5 – Firm Names and Letterheads.	The suggested amendments were submitted to the Court to conform to the lawyer RPC amendments that were approved by the BOG on 3/8/18.	11/9/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
RPCs 5.5, 7.1, 7.2, 7.3, 7.4, and 7.5	The Washington State Bar Association recommended the suggested amendments to RPC 5.5 – Unauthorized Practice of Law; Multijurisdictional Practice of Law; RPC 7.1 – Communications Concerning a Lawyer’s Service; RPC 7.2 – Advertising; RPC 7.3 – Solicitation of Clients; RPC 7.4 – Communication of Fields of Practice and Specializations; and	3/8/18: Approved submission to Court.	11/9/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>WSBA</u> TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	RPC 7.5 – Firm Names and Letterheads.		
CrR 3.3 – Time for Trial	The Washington State Bar Association Counsel on Public Defense, in response to the Supreme Court Rules Committee Referral of a request by Mr. Stephen Dowdney recommended the suggested amendment to CrR 3.3 – Time for Trial.	9/27/18: Approved submission to Washington Supreme Court Rules Committee.	10/31/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.



SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT

RULE	SUBJECT	BOG ACTION	COURT ACTION
<p>IN THE MATTER OF SUGGESTED AMENDMENTS TO APR 28 – LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS; APR 28 APPENDIX – REGULATION 2 PRACTICE AREAS – SCOPE OF PRACTICE AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE; APR 28 APPENDIX REGULATION 3 – EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND APPROVAL OF EDUCATION PROGRAMS; OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD; RULES OF PROFESSIONAL CONDUCT (RPC) 1.0B – ADDITIONAL WASHINGTON TERMINOLOGY; RPC 1.17 – SALE OF LAW PRACTICE; RPC 4.3 – DEALING WITH A PERSON NOT REPRESENTED BY A LAWYER; RPC 5.8 – MISCONDUCT INVOLVING LAWYERS AND LLLTs NOT ACTIVELY LICENSED TO PRACTICE LAW; RPC 8.1 – BAR ADMISSION AND DISCIPLINARY MATTERS; AND LLLT RULES OF PROFESSIONAL CONDUCT (LLLT RPC) LLLT RPC 1.0B – ADDITIONAL TERMINOLOGY; LLLT RPC 1.2 – SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LLLT; LLLT RPC 1.5 – FEES; LLLT RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES; LLLT RPC 1.15A – SAFEGUARDING PROPERTY; LLLT RPC 1.16 – DECLINING OR TERMINATING REPRESENTATION; LLLT RPC 1.7 SALE OF A LAW PRACTICE; LLLT RPC 2.3 [RESERVED]; LLLT RPC 3.1 – ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE A TRIBUNAL; LLLT RPC 3.6-3.9 [RESERVED]; LLLT RPC 4.1 – TRUTHFULNESS IN STATEMENTS TO OTHERS; LLLT RPC 4.2 – COMMUNICATION WITH PERSON REPRESENTED BY LAWYER; LLLT RPC 4.3 – DEALING WITH PERSON NOT REPRESENTED BY LAWYER; LLLT RPC 5.4 – PROFESSIONAL INDEPENDENCE OF A LLLT; LLLT RPC 5.5 UNOHTORIZED PRACTICE OF LAW; LLLT RPC 8.1 – LICENSING, ADMISSION, AND DISCIPLINARY MATTERS; LLLT RPC 8.4 - MISCONDUCT</p>	<p>The Washington State Bar Association Limited License Legal Technician Board recommended amendments to APR 28—Limited Practice Rule for Limited License Legal Technicians; APR 28 Appendix; Rules of Professional Conduct (RPC); and LLLT Rules of Professional Conduct (LLLT RPCs).</p>	<p>1/19/18: Submitted to BOG as Information.</p>	<p>6/7/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 14, 2018.</p> <p>11/1/18: The Court adopted the rules.</p> <p>11/26/18: Amended Order: Rescinding Order and republishing for comment due to formatting errors, with comments to be submitted no later than February 1, 2019</p> <p>5/1/19: The Court adopted the rules.</p>
<p>RPC 1.7, RPC 1.15A, RPC 4.2¹</p>	<p>Proposed amendments to RPC 1.7 – Conflict of Interest: Current Clients; RPC 1.15A – Safeguarding Property; and RPC 4.2 – Communication with</p>	<p>9/6/17: Approved submission to Court.</p>	<p>11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be</p>

¹ The Court has not taken an action on RPC 4.2.



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>WSBA</u> TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	Person Not Represented by a Lawyer.		submitted no later than April 30, 2018. 6/7/18: The Court adopted RPC 1.7 and RPC 1.15A.



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>OTHERS</u>		
CAR 14	<i>The Court of Appeals recommended the expeditious adoption of the suggested amendment to CAR 14 – Opinions When Filed.</i>	4/4/19: The Court adopted the rule.
CrR 3.1, CrRLJ 3.1, JuCR 9.3(a), GR 15	The Washington Defender Association recommended the suggested amendments to CrR 3.1 – Right to and Assignment of Lawyer; CrRLJ 3.1 – Right to and Assignment of Lawyer; JuCR 9.3(a) – Right to Appointment of Experts in Juvenile Offense Proceedings; and GR 15 – Destruction, Sealing, and Redaction of Court Records.	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
CR 82.5	The Tribal State Court Consortium recommended the suggested amendment to CR 82.5 – Tribal Court Jurisdiction.	11/28/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
APR 3	The Military Spouse J.D. Network (MSJDN) recommended the suggested amendment to APR 3 – Applications for Admission to Practice Law.	10/31/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
CJC 2.9	The Superior Court Judges’ Association recommended the suggested amendment to CJC 2.9 – Ex Parte Communications.	10/10/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than December 24, 2018.
CrR 4.7, CrRLJ 4.7, CrR 3.7, CrR 3.8, CrR 3.9, CrR 4.11, CrRLJ 3.7, CrRLJ 3.8, CrRLJ 3.9, CrRLJ 4.11	The Washington Association of Criminal Defense Lawyers recommended the suggested amendments to CrR 4.7 – Discovery; CrRLJ 4.7 – Discovery; suggested New CrR 3.7 – Recording Interrogations; CrR 3.8 – Recording Eyewitness Identification Procedure; CrR 3.9 – In-Court Eyewitness Identification; CrR 4.11 – Recording Witness Interviews; CrRLJ 3.7 – Recording Interrogations; CrRLJ 3.8 – Recording Eyewitness Identification Procedure; CrRLJ 3.9 – In-Court Eyewitness Identification; and CrRLJ 4.11 – Recording Witness Interviews.	7/11/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.



SUGGESTED RULE AMENDMENTS SUBMITTED BY <u>OTHERS</u>		
New GR 38²	The Superior Court Judges' Association recommended the suggested new GR 38 – Prohibition of Bias.	6/7/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 14, 2018.

² [The Court has not taken an action on GR 38.](#)



**Summary of WSBA Outreach Visits
March 2, 2019 to May 3, 2019**

1.	3-6-19	Thurston County Bar & Government Lawyers Bar Olympia, WA	WSBA President Bill Pickett, Governor Chris Meserve, Executive Director Paula Littlewood, Chief Communications and Outreach Officer Sara Niegowski, Chief and Legal Community Outreach Specialist Sue Strachan met with leaders of the two local bar associations.
2.	3-7-19	Eastside Womens Attorney Group Bellevue, WA	Sr. Auditor Cheryl Heuett presented "Managing Trust Accounts" to a meeting of lawyers.
3.	3-8-19	National Association of Professional Mortgage Women Bellevue, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethics for LPOs" at this meeting.
4.	3-12-19	Seattle University School of Law Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Client Communications Issues: What Are the Ethical Limits" to the William L. Dwyer Inn of Court.
5.	3-19-19	Benton-Franklin County Bar Kennewick, WA	Disciplinary Counsel Codee McDaniel presented "An Overview of the Discipline Systems and Conflicts of Interest" at a county bar meeting.
6.	3-20-19	State OPD Appellate Program Webcast	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethical issues for Appellate Attorneys" on a statewide CLE webcast.
7.	3-21-19	King County Bar Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere was part of an ethics and technology panel at a CLE for GALs.
8.	3-27-19	Spokane County Bar Spokane, WA	Legal Community Specialist Sue Strachan attended the annual Smithmoore P. Myers Professionalism Dinner.
9.	4-3-19	Eastside Womens Attorney Group Bellevue, WA	Disciplinary Counsels Sachia Stonefeld Powell and Emily Krueger presented "An Overview of the Discipline Systems and How to Respond to a Grievance" to a meeting of lawyers.
10.	4-4-19	Foster High School Tukwila, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar presented information on the LLLT program at this career fair.
11.	4-5-19	NALS of Washington Ocean Shores, WA	Innovative Licensing Programs Manager Renata de Carvalho Garcia attended the 2019 NALS Annual Meeting and Educational Conference and provided information about the LLLT program.

12.	4-10-19	Mason County Bar Shelton, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Conflicts of Interest Analysis for the Small Community" at this monthly bar lunch.
13.	4-10-19	King County Bar Seattle, WA	Auditor II Tracy Sambrano presented "Avoiding Common Pitfalls of Managing Client Funds" to the county bar.
14.	4-16-19	Benton-Franklin County Bar Kennewick, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Attorney Communication and Social Media" at this monthly bar luncheon.
15.	4-17-19	Seattle University School of Law Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere and WSBA member Hunter Abell presented a session on professionalism to law students in a professional responsibility class.
16.	4-17-19	King County Bar Seattle, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Cases from the Trenches: Ethical Messes in the Practice of Law" to the KCBA Business Law Section.
17.	4-19-19	Chelan-Douglas County Bar Wenatchee, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Professionalism and Civility" at this county bar luncheon.
18.	4-25-19	WAPA Blaine, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Cases from the Trenches: Ethical Messes in the Practice of Law" at the annual meeting of prosecutors.
19.	5-3-19	Kitsap County Bar Port Orchard, WA	Legal Community Outreach Specialist Sue Strachan attended annual Law Day events and monthly bar luncheon.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Sara Niegowski, Chief Communications and Outreach Officer
Jennifer Olegario, Communication Strategies Manager

Date: Apr. 30, 2019

Re: Summary of Media Contacts, Feb. 21 – Apr. 30, 2019

	Date	Reporter and Media Outlet	Inquiry
1.	Feb. 22	Rasheeda Childress, <i>Associations Now</i>	Interested in highlighting WSBA’s Lending Library for its “Idea Bank” column. Practice Management Advisor Destinee Evers was interviewed on Mar. 5.
2.	Mar. 13	Amy Radil, KUOW Radio	Sought statement regarding the departure of the executive director. Referred her to Bill Pickett.
3.	Mar. 18	Paul Shukovsky, <i>Bloomberg Law/U.S. Law Week</i>	Sought information and quote regarding ESHB 1788. Referred him to Bill Pickett.
4.	Mar. 20	Peter O’Cain, <i>Wenatchee World</i>	Inquired how common it is for a judge to have a DUI or past misdemeanor arrests. Referred him to the Commission on Judicial Conduct.
5.	Mar. 25	Brian Price, KING5-TV	Sought interview regarding ESHB 1788. Referred him to Bill Pickett.
6.	Mar. 25	Mike LaSusa, Law360	Writing story on legal apprenticeships. Interviewed Ben Phillabaum (Law Clerk Board Chair) and Innovative Licensing Programs Manager Renata Garcia. Also referred two additional law clerk sources for interview, tutor Ron Greenan and recent program alum Colin Byrne.
7.	Mar. 25	Erica C. Barnett, The C is for Crank	Inquired about resources for complaints about lawyer impersonators.

8.	Mar. 27	Jim Kent, National Public Radio (DC)	Sought source to discuss hemp legalization. Connected him with chair of Cannabis Law Section.
9.	Mar. 29	Greg Land, American Lawyer Media	Asked about status of mandatory malpractice insurance in Washington, as part of story on Georgia Bar considering the same.
10.	Apr. 1	Lily Fowler, Crosscut	Requested WSBA's 2017 Letter to Dept. of Homeland Security re: ICE activity at courthouses; inquired whether we were the first bar in the country to send a letter of this type.
11.	Apr. 5	Mike Bay, TVW	Requested webcast link to cover Apr. 8 Bar Structure Work Group. TVW plans to air all of the Work Group meetings.
12.	Apr. 5	Lewis Kamb, <i>Seattle Times</i>	Sought comment regarding Beauregard lawsuit.
13.	Apr. 11	Alison Bruzek, KUOW Radio	Requested law apprenticeship subject matter expert for live interview about Kim Kardashian studying to be a lawyer through apprenticing.
14.	Apr. 16	John Stang, Crosscut	Inquired whether there were any bar complaints about Judge Scott Gallina. Referred reporter to Commission on Judicial Conduct and our own Legal Directory (from Gallina's time as a lawyer 2014 and before).
15.	Apr. 22	Kevin Kim, KHQ-TV Spokane (NBC affiliate)	Asked whether Rep. Matt Shea's alleged conducting of background checks on civilians, namely, leftist protestors, was considered ethical. Shea is a lawyer.
16.	Apr. 25	Lyle Moran, <i>ABA Journal</i>	Inquired about status of decision regarding malpractice insurance.

WSBA Member* Demographics Report 5/1/19 8:28:15 AM GMT-07:00

By Years Licensed		By Age		All	Active	By Practice Area		By Languages Spoken	
Under 6	8,599	21 to 30	1,875	1,794	Administrative-regulator	1,766	Afrikaans	6	1
6 to 10	5,440	31 to 40	9,152	8,181	Agricultural	179	Akan /twi	4	1
11 to 15	5,602	41 to 50	9,775	8,057	Animal Law	81	Albanian	2	1
16 to 20	4,630	51 to 60	8,705	6,851	Antitrust	230	American Sign Language	17	1
21 to 25	4,084	61 to 70	7,651	5,764	Appellate	1,248	Amharic	16	1
26 to 30	3,517	71 to 80	2,452	1,638	Aviation	131	Arabic	49	1
31 to 35	2,979	Over 80	579	130	Banking	340	Armenian	7	1
36 to 40	2,442	Total:	40,189	32,415	Bankruptcy	748	Bengali	10	1
41 and Over	2,896	By Gender			Business-commercial	3,943	Bosnian	12	1
Total:	40,189	Female		12,346	Cannabis	38	Bulgarian	12	1
By Disability		Male		17,138	Civil Litigation	897	Burmese	2	1
Yes	1,123	Multi		10	Civil Rights	799	Cambodian	6	1
No	19,867	Non-Binary		9	Collections	408	Cantonese	96	1
Respondents	20,990	Not Listed		10	Communications	172	Cebuano	4	1
No Response	19,199	Transgender		1	Constitutional	481	Chamorro	5	1
All Member Types	40,189	Two-spirit		1	Construction	1,015	Chaozhou/chiu Chow	1	1
By Sexual Orientation		Respondents		29,515	Consumer	578	Chin	1	1
Asexual	17	No Response		10,674	Contracts	3,244	Croatian	21	1
Gay, Lesbian, Bisexual, Pansexual, or Queer	281	All Member Types		40,189	Corporate	2,696	Czech	6	1
Heterosexual	3,148	By Ethnicity			Criminal	2,964	Danish	20	1
Not Listed	44	American Indian / Native American / Alaskan Native		241	Debtor-creditor	727	Dari	4	1
Selected multiple orientations	16	Asian-Central Asian		21	Disability	494	Dutch	22	1
Two-spirit	1	Asian-East Asian		141	Dispute Resolution	1,046	Egyptian	2	1
Respondents	3,507	Asian-South Asian		33	Education	398	Farsi/persian	62	1
No Response	36,682	Asian-Southeast Asian		40	Elder	708	Fijian	1	1
All Member Types	40,189	Asian—unspecified		1,218	Employment	2,203	Finnish	7	1
Members in Firm Type		Black / African American / African Descent		640	Entertainment	224	French	691	1
Bank	8	Hispanic / Latinx		679	Environmental	1,012	French Creole	1	1
Escrow Company	40	Middle Eastern Descent		10	Estate Planning-probate	2,726	Fukianese	3	1
Government/ Public Secto	4,042	Multi Racial / Bi Racial		936	Family	2,184	Gal/kwa	2	1
House Counsel	2,274	Not Listed		192	Foreclosure	381	German	412	1
Non-profit	145	Pacific Islander / Native Hawaiian		62	Forfeiture	79	Greek	30	1
Title Company	86	White / European Descent		23,989	General	2,249	Gujarati	14	1
Solo	4,319	Respondents		28,202	Government	2,275	Haitian Creole	2	1
Solo In Shared Office Or	1,202	No Response		11,987	Guardianships	683	Hebrew	35	1
2-5 Members in Firm	3,335	All Member Types		40,189	Health	718	Hindi	88	1
6-10 Members in Firm	1,271	By Ethnicity			Housing	224	Hmong	1	1
11-20 Members in Firm	983	American Indian / Native American / Alaskan Native		241	Human Rights	221	Hungarian	15	1
21-35 Members in Firm	608	Asian-Central Asian		21	Immigration-naturaliza	756	Ibo	4	1
36-50 Members In Firm	439	Asian-East Asian		141	Indian	472	Icelandic	2	1
51-100 Members in Firm	407	Asian-South Asian		33	Insurance	1,298	Ilocano	8	1
100+ Members in Firm	1,423	Asian-Southeast Asian		40	Intellectual Property	1,661	Indonesian	11	1
Not Actively Practicing	862	Asian—unspecified		1,218	International	689	Italian	155	1
Respondents	21,444	Black / African American / African Descent		640	Judicial Officer	352	Japanese	204	1
No Response	18,745	Hispanic / Latinx		679	Juvenile	663	Javanese	2	1
All Member Types	40,189	Middle Eastern Descent		10	Labor	878	Kannada/canares	4	1
By Practice Area		Multi Racial / Bi Racial		936	Landlord-tenant	966	Kapampangan	1	1
Administrative-regulator	1,766	Not Listed		192	Land Use	644	Khmer	1	1
Agricultural	179	Pacific Islander / Native Hawaiian		62	Legal Ethics	236	Kongo/kikongo	1	1
Animal Law	81	White / European Descent		23,989	Legal Research-writing	532	Korean	227	1
Antitrust	230	Respondents		28,202	Legislation	328	Lao	6	1
Appellate	1,248	No Response		11,987	Lgbtq	36	Latvian	6	1
Aviation	131	All Member Types		40,189	Litigation	3,513	Lithuanian	5	1
Banking	340	Members in Firm Type			Lobbying	142	Malay	4	1
Bankruptcy	748	Bank		8	Malpractice	618	Malayalam	8	1
Business-commercial	3,943	Escrow Company		40	Maritime	246	Mandarin	354	1
Cannabis	38	Government/ Public Secto		4,042	Military	278	Marathi	6	1
Civil Litigation	897	House Counsel		2,274	Municipal	725	Mongolian	2	1
Civil Rights	799	Non-profit		145	Non-profit-tax Exempt	469	Navajo	1	1
Collections	408	Title Company		86	Not Actively Practicing	1,850	Nepali	4	1
Communications	172	Solo		4,319	Oil-gas-energy	163	Norwegian	36	1
Constitutional	481	Solo In Shared Office Or		1,202	Patent-trademark-copyr	919	Not_listed	38	1
Construction	1,015	2-5 Members in Firm		3,335	Personal Injury	2,570	Oromo	3	1
Consumer	578	6-10 Members in Firm		1,271	Privacy And Data Securit	89	Other	1	1
Contracts	3,244	11-20 Members in Firm		983	Real Property	1,991	Pashto	1	1
Corporate	2,696	21-35 Members in Firm		608	Real Property-land Use	1,669	Persian	20	1
Criminal	2,964	36-50 Members In Firm		439	Securities	572	Polish	31	1
Debtor-creditor	727	51-100 Members in Firm		407	Sports	119	Portuguese	116	1
Disability	494	100+ Members in Firm		1,423	Subrogation	80	Portuguese Creole	2	1
Dispute Resolution	1,046	Not Actively Practicing		862	Tax	971	Punjabi	57	1
Education	398	Respondents		21,444	Torts	1,563	Romanian	20	1
Elder	708	No Response		18,745	Traffic Offenses	456	Russian	224	1
Employment	2,203	All Member Types		40,189	Workers Compensation	582	Samoan	7	1
Entertainment	224	By Languages Spoken			Administrative-regulator	1,766	Serbian	19	1
Environmental	1,012	Afrikaans		6	Appellate	1,248	Serbo-croatian	12	1
Estate Planning-probate	2,726	Akan /twi		4	Aviation	131	Sign Language	20	1
Family	2,184	Albanian		2	Banking	340	Singhalese	2	1
Foreclosure	381	American Sign Language		17	Bankruptcy	748	Slovak	2	1
Forfeiture	79	Amharic		16	Business-commercial	3,943	Somali	1	1
General	2,249	Arabic		49	Cannabis	38	Spanish	1,767	1
Government	2,275	Armenian		7	Civil Litigation	897	Spanish Creole	4	1
Guardianships	683	Bengali		10	Civil Rights	799	Swahili	4	1
Health	718	Bosnian		12	Collections	408	Swedish	53	1
Housing	224	Bulgarian		12	Communications	172	Tagalog	65	1
Human Rights	221	Burmese		2	Constitutional	481	Taishanese	3	1
Immigration-naturaliza	756	Cambodian		6	Construction	1,015	Taiwanese	20	1
Indian	472	Cantonese		96	Consumer	578	Tamil	11	1
Insurance	1,298	Cebuano		4	Contracts	3,244	Telugu	3	1
Intellectual Property	1,661	Chamorro		5	Corporate	2,696	Thai	11	1
International	689	Chaozhou/chiu Chow		1	Criminal	2,964	Tigrinya	3	1
Judicial Officer	352	Chin		1	Debtor-creditor	727	Tongan	1	1
Juvenile	663	Croatian		21	Disability	494	Turkish	13	1
Labor	878	Czech		6	Dispute Resolution	1,046	Ukrainian	39	1
Landlord-tenant	966	Danish		20	Education	398	Urdu	39	1
Land Use	644	Dari		4	Elder	708	Vietnamese	88	1
Legal Ethics	236	Dutch		22	Employment	2,203	Yoruba	16	1
Legal Research-writing	532	Egyptian		2	Entertainment	224	Yugoslavian	4	1
Legislation	328	Farsi/persian		62	Environmental	1,012			
Lgbtq	36	Fijian		1	Estate Planning-probate	2,726			
Litigation	3,513	Finnish		7	Family	2,184			
Lobbying	142	French		691	Foreclosure	381			
Malpractice	618	French Creole		1	Forfeiture	79			
Maritime	246	Fukianese		3	General	2,249			
Military	278	Gal/kwa		2	Government	2,275			
Municipal	725	German		412	Guardianships	683			
Non-profit-tax Exempt	469	Greek		30	Health	718			
Not Actively Practicing	1,850	Gujarati		14	Housing	224			
Oil-gas-energy	163	Haitian Creole		2	Human Rights	221			
Patent-trademark-copyr	919	Hebrew		35	Immigration-naturaliza	756			
Personal Injury	2,570	Hindi		88	Indian	472			
Privacy And Data Securit	89	Hmong		1	Insurance	1,298			
Real Property	1,991	Hungarian		15	Intellectual Property	1,661			
Real Property-land Use	1,669	Ibo		4	International	689			
Securities	572	Icelandic		2	Judicial Officer	352			
Sports	119	Ilocano		8	Juvenile	663			
Subrogation	80	Indonesian		11	Labor	878			
Tax	971	Italian		155	Landlord-tenant	966			
Torts	1,563	Japanese		204	Land Use	644			
Traffic Offenses	456	Javanese		2	Legal Ethics	236			
Workers Compensation	582	Kannada/canares		4	Legal Research-writing	532			
		Kapampangan		1	Legislation	328			
		Khmer		1	Lgbtq	36			
		Kongo/kikongo		1	Litigation	3,513			
		Korean		227	Lobbying	142			
		Lao		6	Malpractice	618			
		Latvian		6	Maritime	246			
		Lithuanian		5	Military	278			
		Malay		4	Municipal	725			
		Malayalam		8	Non-profit-tax Exempt	469			
		Mandarin		354	Not Actively Practicing	1,850			
		Marathi		6	Oil-gas-energy	163			
		Mongolian		2	Patent-trademark-copyr	919			
		Navajo		1	Personal Injury	2,570			
		Nepali		4	Privacy And Data Securit	89			
		Norwegian		36	Real Property	1,991			
		Not_listed		38	Real Property-land Use	1,669			
		Oromo		3	Securities	572			
		Other		1	Sports	119			
		Pashto		1	Subrogation	80			
		Persian		20	Tax	971			

WSBA Member* Licensing Counts 5/1/19 8:27:12 AM GMT-07:00

Member Type	In WA State	All	By District		By State and Province		By WA County		By Admit Yr		
			All	Active							
Attorney - Active	26,014	32,415			Alabama	28	Adams	15	1940	3	
Attorney - Emeritus	102	110			Alaska	197	Asotin	27	1941	1	
Attorney - Honorary	370	417	0	2,973	2,145	Alberta	9	Benton	379	1942	1
Attorney - Inactive	2,460	5,602	1	2,934	2,434	Arizona	352	Chelan	253	1944	1
Judicial	616	644	2	2,128	1,705	Arkansas	18	Clallam	159	1945	1
LLLT - Active	36	36	3	2,102	1,781	Armed Forces Americas	4	Clark	849	1946	2
LLLT - Inactive	3	3	4	1,392	1,174	Armed Forces Europe, Middle East	25	Columbia	6	1947	6
LPO - Active	783	795	5	3,223	2,606	Armed Forces Pacific	18	Cowlitz	141	1949	15
LPO - Inactive	151	167	6	3,328	2,796	British Columbia	95	Douglas	32	1950	15
	30,535	40,189	7N	5,214	4,446	California	1,746	Ferry	14	1951	27
			7S	6,788	5,649	Colorado	239	Franklin	53	1952	27
			8	2,239	1,887	Connecticut	50	Garfield	2	1953	25
			9	4,898	4,134	Delaware	6	Grant	124	1954	27
			10	2,970	2,487	District of Columbia	332	Grays Harbor	111	1955	20
			19	1	1	Florida	246	Island	148	1956	40
			30	1	1	Georgia	87	Jefferson	105	1957	31
				40,189	33,246	Guam	15	King	16,307	1958	39
						Hawaii	138	Kitsap	786	1959	38
						Idaho	420	Kittitas	93	1960	30
						Illinois	159	Klickitat	24	1961	29
						Indiana	36	Lewis	101	1962	35
						Iowa	26	Lincoln	13	1963	33
						Kansas	27	Mason	99	1964	38
						Kentucky	22	Okanogan	97	1965	56
						Louisiana	50	Pacific	30	1966	61
						Maine	14	Pend Oreille	16	1967	60
						Maryland	114	Pierce	2,248	1968	89
						Massachusetts	84	San Juan	74	1969	102
						Michigan	69	Skagit	291	1970	104
						Minnesota	92	Skamania	18	1971	112
						Mississippi	6	Snohomish	1,562	1972	174
						Missouri	70	Spokane	1,886	1973	268
						Montana	166	Stevens	53	1974	254
						Nebraska	17	Thurston	1,542	1975	325
						Nevada	141	Wahkiakum	11	1976	394
						New Hampshire	10	Walla Walla	111	1977	394
						New Jersey	60	Whatcom	574	1978	437
						New Mexico	66	Whitman	75	1979	478
						New York	246	Yakima	450	1980	489
						North Carolina	73			1981	520
						North Dakota	9			1982	507
						Northern Mariana Islands	6			1983	544
						Nova Scotia	1			1984	623
						Ohio	69			1985	443
						Oklahoma	25			1986	685
						Ontario	15			1987	599
						Oregon	2,642			1988	572
						Pennsylvania	75			1989	610
						Puerto Rico	2			1990	743
						Quebec	1			1991	738
						Rhode Island	15			1992	732
						Saskatchewan	1			1993	775
						South Carolina	28			1994	798
						South Dakota	7			1995	806
						Tennessee	53			1996	755
						Texas	355			1997	846
						Utah	182			1998	803
						Vermont	19			1999	842
						Virginia	276			2000	852
						Virgin Islands	1			2001	916
						Washington	30,535			2002	987
						Washington Limited License	1			2003	1,014
						West Virginia	7			2004	1,032
						Wisconsin	42			2005	1,060
						Wyoming	21			2006	1,094
										2007	1,163
										2008	1,078
										2009	991
										2010	1,079
										2011	1,055
										2012	1,089
										2013	1,224
										2014	1,349
										2015	1,608
										2016	1,300
										2017	1,379
										2018	1,299
										2019	388

Misc Counts	
All License Types **	40,509
All WSBA Members	40,189
Members in Washington	30,535
Members in western Washington	25,156
Members in King County	16,307
Members in eastern Washington	3,723
Active Attorneys in western Washington	21,431
Active Attorneys in King County	14,303
Active Attorneys in eastern Washington	3,086
New/Young Lawyers	6,454
MCLE Reporting Group 1	10,668
MCLE Reporting Group 2	10,763
MCLE Reporting Group 3	11,406
Foreign Law Consultant	19
House Counsel	291
Indigent Representative	10

By Section ***		All	Previous Year
Administrative Law Section		236	276
Alternative Dispute Resolution Section		314	355
Animal Law Section		94	102
Antitrust, Consumer Protection and Unfair Business Practice		202	220
Business Law Section		1,255	1,282
Cannabis Law Section		96	66
Civil Rights Law Section		169	167
Construction Law Section		491	509
Corporate Counsel Section		1,080	1,114
Creditor Debtor Rights Section		464	504
Criminal Law Section		389	440
Elder Law Section		617	653
Environmental and Land Use Law Section		783	795
Family Law Section		986	1,147
Health Law Section		380	385
Indian Law Section		325	315
Intellectual Property Section		866	896
International Practice Section		224	241
Juvenile Law Section		155	186
Labor and Employment Law Section		990	1,002
Legal Assistance to Military Personnel Section		74	92
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section		99	110
Litigation Section		1,016	1,054
Low Bono Section		67	101
Real Property Probate and Trust Section		2,261	2,358
Senior Lawyers Section		239	255
Solo and Small Practice Section		865	985
Taxation Section		612	659
World Peace Through Law Section		105	98

* Per WSBA Bylaws 'Members' include active attorney, emeritus pro-bono, honorary, inactive attorney, judicial, limited license legal technician (LLLT), and limited practice officer (LPO) license types.

** All license types include active attorney, emeritus pro-bono, foreign law consultant, honorary, house counsel, inactive attorney, indigent representative, judicial, LPO, and LLLT.

*** The values in the All column are reset to zero at the beginning of the WSBA fiscal year (Oct 1). The Previous Year column is the total from the last day of the fiscal year (Sep 30). WSBA staff with complimentary membership are not included in the counts.

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director
Terra Nevitt, Interim Executive Director

April 10, 2019

Honorable Mary E. Fairhurst
Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Honorable Charles W. Johnson
Associate Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings

Dear Chief Justice Fairhurst and Justice Johnson,

On January 18, 2019, the WSBA Board of Governors approved suggested *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings*. The *Guidelines* were drafted by the WSBA Council on Public Defense over an extensive two-year process. The Board is recommending that the Court add the *Guidelines* to the *Standards for Indigent Defense*, add the *Standards* to the Mental Proceedings Rules (MPR), and require that appointed counsel representing clients in civil commitment proceedings file Certifications of Compliance, as the *Standards* already require of appointed counsel representing clients in criminal proceedings. Enclosed please find the GR9 cover sheet and text for the suggested *Guidelines* and amendments.

If you have any questions, please feel free to contact me, or direct them to Eileen Farley, Chair of the WSBA Council on Public Defense's Mental Health Guidelines Committee, at Eileen.Farley@nwaj.org or (206) 719-8951.

Sincerely,



Terra Nevitt
Interim Executive Director

Enclosures

cc: William D. Pickett, President, WSBA
Daryl Rodrigues, Chair, WSBA Council on Public Defense
Eileen Farley, Member, WSBA Council on Public Defense
Diana Singleton, Access to Justice Manager, WSBA



GR 9 COVER SHEET

Suggested Amendment

Standard 14.1 of the Standards for Indigent Defense, the Mental Proceedings Rules (MPR), and the Standards Certification of Compliance for CrR 3.1, CrRLJ 3.1 and JuCR 9.2
Submitted by the Board of Governors of the Washington State Bar Association

A. Name of Proponent:

Washington State Bar Association

B. Spokespersons:

William Pickett, President, Washington State Bar Association, 1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539 (telephone 509-972-1825)

Daryl Rodrigues, Chair, Council on Public Defense, Washington State Bar Association, Seattle, WA 98101-2539 (telephone 360-701-0306)

Diana Singleton, Access to Justice Manager, Washington State Bar Association, 1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539 (telephone 206-727-8205)

C. Purpose:

The *Standards for Indigent Defense Services* adopted by the Washington Supreme Court set a caseload limit for appointed counsel representing clients in criminal cases and for appointed counsel representing clients in civil commitment proceedings. The *Standards* also require appointed counsel in criminal cases: 1) to be familiar with the Performance Guidelines for Criminal Defense Representation and the Performance Guidelines for Juvenile Defense Representation approved by the Washington State Bar Association; and 2) to file quarterly Certifications that they are in compliance with the caseload limits included in the *Standards*.

Counsel appointed in the more than 10,000 civil commitment petitions filed each year have no uniform guidance for client representation and routinely do not file Certifications of Compliance. To address this gap, the Council formed a Mental Health Committee, which in early 2017 began drafting *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings (Guidelines)*. The first draft was circulated for comment on the Washington Defender Association (WDA) civil commitment practitioners' listserv. The Committee revised and circulated the Guidelines twice more in light of the feedback.

A close to final version of the Guidelines was sent, with a request for comment, in advance of the Council's September 2018 meeting to the Washington State Association of Counties, the Gender and Justice Commission and the Minority and Justice Commission, Disability Rights Washington and the National Alliance for the Mentally Ill (NAMI) Greater Seattle chapter.

The Council approved the Guidelines by a supermajority at its October 5, 2018 meeting. They were given a first reading at the November 2018 Board of Governors meeting and circulated again for comments. At their second reading in January 2019, the Board of Governors voted unanimously to recommend the Supreme Court: 1) add the Guidelines to the *Standards*; 2) include the *Standards* in the Mental Proceedings Rules; and 3) require appointed counsel representing clients in civil commitment proceedings file Certifications of Compliance as is now required of appointed counsel in criminal cases.

Specifically, the first recommendation is that the Court add the proposed *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings* to Standard 14.1 of the *Standards for Indigent Defense* and modify the language of Standard 14.1(D) as follows:

Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association and, when representing youth, be familiar with the Performance Guidelines for Juvenile Defense Representation approved by the Washington State Bar Association **when representing respondents in civil commitment proceedings, be familiar with the Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings approved by the Washington State Bar Association**; and

The second recommendation is that the Court include the *Standards* in the Mental Proceedings Rules (newly proposed MPR 2.1) and require appointed counsel representing clients in civil commitment proceedings to file Certifications of Compliance, as is already required of appointed counsel in criminal cases.

For consistency, the newly proposed *Standards* in MPR 2.1 are also being proposed for inclusion in the *Standards* in CrR 3.1, CrRLJ 3.1, and JuCR 9.2.

D. Hearing:

A hearing is not recommended.

E. Expedited Consideration:

Expedited consideration is respectfully requested. The Council worked with numerous stakeholders for 18 months to develop Guidelines for representation of some of Washington's most vulnerable residents in civil commitment proceedings.

F. Supporting Material:

Suggested rule amendments and Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings.

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director
Paula C. Littlewood, Executive Director

March 21, 2019

BY EMAIL ONLY

Hon. Mary E. Fairhurst
Chief Justice
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Requesting to Extend GR 24 Comment Period


Dear Chief Justice Fairhurst,

The Practice of Law Board met on February 21, 2019, and approved an amended GR 24 proposal in request to Justice Johnson's January 8, 2019, letter.

The Board requests that the Court extend the GR 24 comment period for 120 days. The Board is working with the Access to Justice Board Technology Committee to gather input from industry and other interested stakeholders. This process will continue into the spring and summer.

If you have any questions, please feel free to contact me, or direct them to Judge Bastine, Chair of the Practice of Law Board.

Sincerely,



Paula C. Littlewood
Executive Director



Hon. Paul Bastine (ret.)
Practice of Law Board Chair

Enclosure

cc: William D. Pickett, President, WSBA
Julie Shankland, Staff Liaison



The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

March 22, 2017

The Honorable John F. Kelly
U.S. Department of Homeland Security
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Kelly,

As Chief Justice of the Washington State Supreme Court and co-chair of the Board for Judicial Administration, I write to express concern regarding immigration agents being in and around our local courthouses. Lawyers and judges working in our courts have advised me that agents from the Immigration and Customs Enforcement agency of the Department of Homeland Security are being present with increased frequency. These developments are deeply troubling because they impede the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of their immigration status.

In many locations around our state, a courthouse is the only place where individuals are ensured of a trusted public forum where they will be treated with dignity, respect, and fairness. This includes victims in need of protection from domestic violence, criminal defendants being held accountable for their actions, witnesses summoned to testify, and families who may be in crisis.

We have worked diligently to earn and maintain the trust of communities throughout Washington State to ensure that courthouses are that public forum. The fear of apprehension by immigration officials deters individuals from accessing our courthouses and erodes this trust, even for those with lawful immigration status.

When people are afraid to access our courts, it undermines our fundamental mission. I am concerned at the reports that the fear now present in our immigrant communities is impeding their access to justice. These developments risk making our communities less safe.

Our ability to function relies on individuals who voluntarily appear to participate and cooperate in the process of justice. When people are afraid to appear for court hearings, out of fear of apprehension by immigration officials, their ability to access

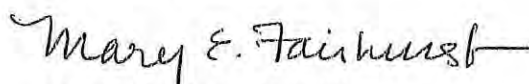
justice is compromised. Their absence curtails the capacity of our judges, clerks and court personnel to function effectively.

In light of the above, I ask that you consider taking the necessary and appropriate steps to address these concerns. For example, I encourage you to designate courthouses as "sensitive locations" as described in your Policy 10029.2. Such a designation will assist us in maintaining the trust that is required for the court to be a safe and neutral public forum. It will assure our residents that they can and should appear for court hearings without fear of apprehension for civil immigration violations.

We understand that the mission of your agency is to enforce federal laws. However, we request that the manner in which these obligations and duties are carried out aligns with, and does not impede, the mission, obligations, and duties of our courts.

My request is offered with all due respect to your commitment to serve the United States, your office, and its functions. I welcome the opportunity to meet with you or your staff to explore possible resolutions.

Very truly yours,



MARY E. FAIRHURST
Chief Justice

cc: Thomas D. Homan, Acting Director, Immigration & Customs Enforcement
Nathalie R. Asher, ICE Field Office Director, Seattle Washington
Bryan S. Wilcox, Acting Field Office Director

The Supreme Court

State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

April 15, 2019

Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave. NW
Washington, DC 20229

Reference: #190412-001264

Dear Commissioner McAleenan:

I am Chief Justice of the Washington State Supreme Court and Co-Chair of the Washington State Board for Judicial Administration. In March 2017, I wrote then-Department of Homeland Security (DHS) Secretary John F. Kelly to express concern about Immigration and Customs Enforcement (ICE) officers and agents taking enforcement action in and around our local courthouses with increasing frequency. I explained that such enforcement action impeded the fundamental mission of our courts, which is to ensure due process and access to justice for everyone regardless of their immigration status, whether such persons were victims in need of protection from domestic violence, witnesses summoned to testify, or families who may be in crisis. I further explained that enforcement action in and around our local courts deterred individuals from accessing our courthouses and spread fear in our immigrant communities, both those lawfully present and those undocumented.

I was pleased that, following the publication of my letter, lawyers and advocacy communities regularly practicing at the affected courts observed a significant decrease in such ICE enforcement action. I was also pleased that, while not prohibiting civil immigration enforcement action in or around local courthouses, ICE's Directive Number 11072.1 (published in January 2018), directed ICE officers and agents to "minimize their impact on court operations," to "generally avoid enforcement actions in courthouses," and to "avoid unnecessarily alarming the public." I was additionally further pleased that ICE established a set of standards identifying when such enforcement action was appropriate (*e.g.*, to target undocumented immigrants with criminal convictions or who pose national security threats) and created processes to ensure supervisory review and documentation of such incidents.

I write you today to express my concern that, as has been publicly reported, U.S. Customs and Border Protection (CBP) officers and agents recently have taken up the troubling mantle of conducting enforcement operations against undocumented immigrants at or near our local

courthouses. As reported to local law enforcement, these operations impact court proceedings by deterring individuals from seeking the services of our courts which, in turn, curtails the capacity of our courts to function effectively. These operations have further unnecessarily alarmed those accessing court services, as it has been publicly reported that these operations have not been narrowly targeted to those class of dangerous individuals identified in the ICE Directive above.

I do not question the legitimate role of law enforcement or cooperative efforts with other law enforcement agencies. However, I am genuinely concerned when these enforcement actions take place at or around courthouses because of the impact upon our mission. Our ability to function relies on individuals who voluntarily appear to participate and cooperate in the process of justice. When people are afraid to appear for court hearings out of fear of apprehension by immigration officials, their ability to access justice is compromised, courts cannot function efficiently, and our communities become less safe.

As Chief Justice, I respectfully ask you to take the necessary and appropriate steps to mitigate, if not eliminate CBP's enforcement actions in and around our local courthouses because of the effect on our courts, and the people of Washington State who wish to access the courts. As I did in my letter to Secretary Kelly, I encourage you to designate the courthouses and their immediate vicinities as "sensitive locations." Such a clear designation will permit our Washington State Courts to be the safe and neutral public forum all Washington residents deserve.

Also as I stated to Secretary Kelly, I do not believe our organizations' respective missions are naturally in conflict, as long as the CBP ensures it does not impede the fundamental mission of our courts.

Finally, I would welcome the opportunity to meet with you or your staff, including those copied on the letter below, to discuss this matter further and to explore additional possible resolutions.

Very truly yours,



MARY E. FAIRHURST
Chief Justice

cc:

Todd C. Owen, Executive Assistant Commissioner, Office of Field Operations
Carla L. Provost, Chief, United States Border Patrol
Tim Quinn, Executive Director, Intergovernmental Public Liaison Office
Adele Fasano, CBP Director of Field Operations, Blaine Sector
Chris Bippley, Acting Chief Patrol Agent, Blaine Sector
Matthew Lacelle, CBP Port Director, Officer in Charge Moses Lake Office
Brian T. Moran, United States Attorney, Western District of Washington
Joe Harrington, United States Attorney, Eastern District of Washington

The Supreme Court

State of Washington

BARBARA A. MADSEN
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2037
FAX (360) 357-2103

March 13, 2019

sent via email

Re: Recent Actions by the BOG

Dear Board of Governors:

We urge this board to reconsider its decision to “go in a different direction” without first instituting a broad, open, and inclusive group of bar members, members of the public, and members of the Supreme Court-appointed boards to study the future of the bar, to determine whether a new direction is warranted, and in what direction the profession should go. What we have heard to date is only a statement by a handful of governors, without any explanation, that the bar is going in a “different direction,” apparently without obtaining the input and buy-in of the membership, the public, or the court for this new direction.

In the past, when the BOG has believed a course change was necessary, it has formed a task force or work group. Such a mechanism has allowed for broad participation by knowledgeable, invested members of the profession and the public. The governance task force is a representative example of such a BOG initiative. Another example of the appropriate process is the current Supreme Court structures work group. As you know, the court instituted a structures work group to evaluate the effect of such important cases as *Janus v. American Federation of State, County & Municipal Employees, Council 31* and *North Carolina State Board of Dental Examiners v. F.T.C.* Similarly, we urge this board to engage the membership and the public in developing its “different direction.”

We are also urging this board to rescind its unwise decision to terminate Paula Littlewood as the executive director. To separate a director who enjoys a strong, positive, national reputation, and whose evaluations within the Washington legal community have always yielded high marks makes no sense, particularly when the BOG is considering taking a 40,000 member organization in a different direction. If this board wishes to go in a new direction, and has appropriate input by the public and by members

who are affected, and can convince this court that the direction is to the benefit of the public and the profession, then it should do so with the strong leadership and resources that the executive director, Ms. Littlewood, offers and has offered in the past.

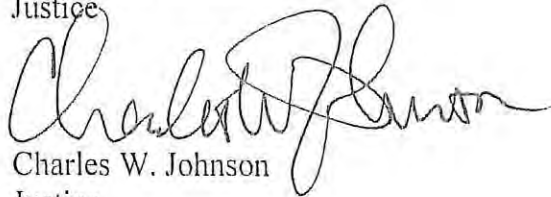
The BOG should realize that it is only one of several oversight boards. There are six other boards that were created by the Supreme Court and which also govern aspects of the legal profession in Washington. We have seen no evidence that those boards, which are independent from the BOG, have been consulted in any way in any of these decisions. If this board wishes to go in a new direction it should do so with guidance and an open, transparent process that includes members of the profession, members of the public, and a knowledgeable executive director.

We are also concerned with the unprecedented requests we've received from members this last year: former governors and presidents, bar staff, bar management, bar defense counsel contacting the court and asking for our intervention, a request that we suspend the entire BOG, etc. All of this should be enough to convince you that the "different direction" is the wrong direction.

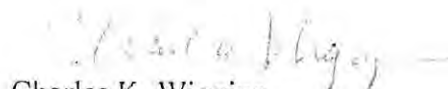
Sincerely,



Barbara A. Madsen
Justice



Charles W. Johnson
Justice



Charles K. Wiggins
Justice

c: Justices
Bill Pickett, President, WSBA
Paula Littlewood, Exec. Dir., WSBA



MASTERS LAW GROUP
— PLLC —

A T T O R N E Y S

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RECEIVED

MAR 22 2019

WASHINGTON STATE BAR ASSOCIATION
OFFICE OF THE EXECUTIVE DIRECTOR

March 19, 2019

Mr. William D. Pickett
President
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, Washington 98101-2539

Re: Resignation as President of Washington State Bar Foundation, Effective March 31, 2019

Dear Bill:

I write with a heavy heart to offer my resignation as President of the Washington State Bar Foundation, effective March 31, 2019. I can no longer tolerate the actions of some members of the Board of Governors, and can no longer serve this organization while they go on unabated. As you know better than almost anyone, far too many terrible examples exist to name here. But I primarily must resign in protest of the secretive, unprincipled, and frankly inhuman manner in which the board summarily terminated the finest Executive Director of any organization whom I have ever known, Paula Littlewood.

As you know, I have continuously served the WSBA in various capacities for roughly 20 years. I first served on and chaired the Amicus Committee. At that time too, there were board members who felt they “knew better” than the rest of us volunteer members, the staff, and even Bar Counsel. While it was tough to take, it was nowhere near as bad as it is now, so I kept serving.

I next served on and ultimately chaired the Rules & Procedures Committee – for eight years. This was a great learning experience, and I will always cherish the friendships I made, and remember with pride the excellent work of that committee. Throughout my tenure on that committee, our work was trusted and respected by the then-Governors and the Supreme Court; we achieved some great things together. This was due, to a large extent, to the tireless dedication of the WSBA staff. Watching the good work of so many dedicated volunteer members and outstanding staff being diminished, distained, and disregarded by the board in recent years has been very disturbing.

I was then elected to the Board of Governors, where I served from 2012 to 2015. This was another great learning experience, where I again made friends among honorable and insightful colleagues. I was honored to chair the Disciplinary Selection and Personnel Committees, and to be

unanimously elected Treasurer. I also liaised with my beloved Rules Committee, and with the outstanding Escalating Cost of Civil Litigation Task Force (ECCL), among other duties.

Throughout all this time, the staff continued its outstanding service. But as a board, we were hardly perfect. We certainly made mistakes. But we listened, learned, and then tried to lead. We did not simply disregard colleagues who disagreed with us. Nor did we disregard, abuse, or secretly plot to oust staff who tried to steer us in the right direction. Nor did we fight with our Supreme Court, which has plenary authority over the practice of law under our Constitution. We knew our place.

One mistake I made was to reject some of the recommendations of the distinguished Governance Task Force. We had a strong and thoughtful board at that time, and I simply did not foresee the disasters that would befall the organization just a few years on. Others did. I now regret my lack of foresight, and I urge the Supreme Court to revisit its excellent recommendations, which could go far in addressing the structural problems we currently face. Had we adopted it wholesale then, we would not be in this mess now.

My next volunteer effort was perhaps the most rewarding of them all: chairing the ECCL Rules Drafting Taskforce. I was asked by one of your predecessors to help select 18 “Rules Geeks” to write rules implementing the Board of Governors’ recommendations regarding the ECCL’s Final Report – recommendations eight years in the making. We had judges from the Federal Court, the Court of Appeals, and the Superior Court, at least two lawyer-volunteers who recently became judges, four former chairs of the Rules Committee, and a host of dedicated, hardworking, and experienced litigators, not to mention the usual outstanding WSBA staff support, without whom none of us could accomplish much.

Because our goal was to create an even playing field for all citizens in our trial courts, this was a well-balanced group. For instance, the Washington State Association for Justice appointed Jane Morrow – their own Rules Chair – and the Washington Defense Trial Lawyers appointed Brad Smith, just two among many excellent and accomplished trial lawyers. For two years, these outstanding volunteers drafted, scrubbed, and thoroughly vetted (to many, many judges, lawyers, and other stakeholders) several rules proposals. Most significantly, they included rules mandating cooperation among attorneys in conducting discovery, in hopes of ending the ever-escalating costs of discovery sanctions, and reducing the ever-escalating costs of civil litigation.

As you well know, these cutting-edge proposals were received with a resounding thud at the Board of Governors, who quite clearly did not understand them—even though there had already been a prior “first reading,” and though these proposals were on for “action” at the September 2018 meeting. The myriad uninformed questions the Governors asked were disheartening, particularly from a board that routinely substitutes its “judgment” for that of the committees, task forces, and staff who come before it. And as is equally routine with this board, many months have gone by with no action on the proposals. As usual, this board “knows better” than the dozens of volunteer experts who brought these exciting ideas forward.

But the board’s failure to act on these proposals is nothing compared to its troubling recent actions. Reading in the Seattle Times that a Governor was accused of sexually harassing a staff member, that an outside investigator found the allegations credible, and that the board then “responded” by

elevating him to Treasurer, was astounding. Seeing him “temporarily” removed as Treasurer, only to be reinstated by a board that voted to say it had no authority to remove him in the first place, is unconscionable: it potentially exposes Bar Members to a retaliation suit from the very Governor accused of harassment. As a former Personnel Chair, I can tell you that this is not how allegations of sexual harassment should be handled. But of course, as a decent, experienced, and principled leader among lawyers, you already know that.

Paula Littlewood has served this organization with distinction for all of my years as a volunteer – and many more. She is nationally recognized as among the finest – if not hands-down the finest – Bar ED in the United States. She has long been in demand to travel internationally – on her own dime – to share her deep insights on the practice of law around the world. I have personally observed Presidents of the American Bar Association, leaders of the British, New South Wales, and several Canadian bars, and Bar Presidents and other Eds from around this country, speak of Paula with awe. She is not just the best bar ED, but the best ED I have ever had the honor to work beside. Or perhaps I should say, to learn from.

Why did the board dismiss a woman of her caliber? Amazingly, we don’t know. Such opacity regarding this momentous decision for our Bar is intolerable. In light of what Justices Madsen, Wiggins, and Johnson, recently wrote to the Bar, claims that we are going in a “new direction” – coming from Governors who have offered no new direction and no transition plan – leave the WSBA adrift, and dangerously close to running aground. At a time like this, heedlessly throwing overboard a great leader like Paula Littlewood – whose foresight regarding the broad trends in our profession has bordered on the miraculous – suggests the concerning absence of a moral compass.

I do not suffer under the illusion that my resignation will change anything. Nor do I relinquish this honored position – with its opportunities to support diversity and inclusion in the profession, citizens of moderate means, and active duty servicemen and servicewomen – with anything but profound regret. My wife and I have long supported diversity and inclusion and civil legal aid, and we will continue those efforts elsewhere. But listening to the staff speak during the last several BOG meetings regarding the utter lack of support – and even oppression – they have suffered under this board, leaves me with the overwhelming impression that my efforts, like theirs, are no longer welcome at the WSBA.

I wish you the very best in all you do, Mr. President. I salute you, Paula, the WSBA Executive Management Team, and the wonderful WSBA staff and volunteers.

I bid the WSBA farewell.

Sincerely,

Ken Masters

cc: Executive Director Paula Littlewood
Washington State Bar Foundation
Chief Justice Mary Fairhurst, Assoc. Chief Justice Charles Johnson,
& the Associate Justices of the Supreme Court
WSBA Counsel, Staff, and Governors
The Hon. Jamie Pedersen
Dean Annette Clark
Andrew Prazuch, Ex. Dir. King County Bar Assoc.
Paul Fjelstad, Kitsap County Bar
Editor, N.W. Lawyer

March 27, 2019

Via Email Only

Re: Recent Developments at WSBA

Dear Justices of the Supreme Court and Members of the Board of Governors:

The purpose of this letter is to advise you of the position of the Practice of Law Board related to recent events detailed in the letter from Justices Madsen, Johnson and Wiggins dated March 13, 2019. That letter addresses the recent action in discharging Paula Littlewood as Executive Director of the Washington State Bar Association (WSBA) based on the decision to take the Board in a new, albeit, undisclosed direction. Specifically, the Justice's letter stated in part:

"The BOG should realize that it is only one of several oversight boards. There are six other boards that were created by the Supreme Court and which also govern aspects of the legal profession in Washington. We have seen no evidence that those boards, which are independent from the BOG, have been consulted in any way in any of these decisions. If this board wishes to go in a new direction it should do so with guidance and an open, transparent process that includes members of the profession, members of the public, and a knowledgeable executive director."

The Practice of Law Board (POLB) is one of the boards referenced in the Justices' letter. We wish to convey our strong agreement with the sentiments expressed above and the letter's concerns related to the extraordinary and sudden termination of the Executive Director. Our Board is an invested stakeholder in both the activities, of the Executive Director, who plays a vital role in supporting our Board's activities and any "direction" that the Board of Governors may be exploring. We perform our mission under the supervision of the Supreme Court. See attached Order dated July 8, 2015.

The POLB relies heavily on the WSBA staff, including Ms. Littlewood, in order to meet the Court's expectations. Ms. Littlewood has consistently demonstrated leadership, intricate subject matter knowledge, clear vision and shared the value of her national profile and reputation (with attendant contacts). Her skill, generous interest and attention to our projects has been invaluable to the POLB. We join in the expressed concerns and comments of the three Justices in their letter. We do so as we have no understanding of what "new direction" means and how that might impact our Board, nor do we have any understanding of the reasons for the precipitous action taken. We were not involved in any discussion nor provided any opportunity for comment on any aspect.



This letter expresses the unanimous position taken by our Board at our public meeting held on March 21, 2019.

It is our sincere hope that the BOG will recognize and respect our role and the value of our perspective in these impactful decisions both now and in future circumstances.

Please contact me directly if I can further clarify the POLB's concerns and position.

Yours in service,

Hon. Paul Bastine (ret.)
Practice of Law Board Chair

Judge Dominique Jinhong (ALJ)
WSBA Member

Trena Brenton
WSBA Member

Andre Lang
WSBA Member

Michele Carney
WSBA Member

Amber Marie Rush
WSBA Member

Prof. George Critchlow
WSBA Member

Sarah Sumadi
Community Representative

Brooks Goode
Community Representative

Gary Swearingen
WSBA Member

Jennifer Unger
Community Representative

Douglas Walsh
WSBA Member

Dr. Joseph Williams
Community Representative

Enclosure

cc: William D. Pickett, President, WSBA
Paula C. Littlewood, Executive Director, WSBA

Filed
Washington State Supreme Court

JUL - 8 2015
MT

Ronald R. Carpenter
Clerk

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE RECONSTITUTING)
THE PRACTICE OF LAW BOARD)
_____)

ORDER

NO. 25700-B-559

The Practice of Law Board was suspended on November 6, 2014, for a period of six months pursuant to this Court's Order No. 25700-B-550 while the status of GR 25 was evaluated by a work group chaired by Justice Steven González. The Court, having considered the work group's findings at its June 3 and June 4, 2015, En Banc Conferences, has by majority vote determined the following:

Now, therefore, it is hereby

ORDERED:

(a) That the suspension of the Practice of Law Board is lifted.

(b) That the Practice of Law Board shall increase its focus on educating the public about how to receive competent legal assistance and considering new avenues for nonlawyers to provide legal and law-related services.

(c) That the Practice of Law Board shall cease all of its enforcement activities except for receiving complaints alleging the unauthorized practice of law, determining whether such complaints are frivolous, and referring nonfrivolous complaints to appropriate authorities.

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(d) That the Practice of Law Board may otherwise continue its mission, including rendering advisory opinions.

(e) That the Practice of Law Board shall convene interested stakeholders to engage in a broad based discussion about the future of the Practice of Law Board and then submit its recommendations to the Court.

DATED at Olympia, Washington this 8th day of July, 2015.

Madsen, C. J.
CHIEF JUSTICE

From: Hinchcliffe, Shannon <Shannon.Hinchcliffe@courts.wa.gov>
Sent: Tuesday, May 7, 2019 11:32 AM
To: Jeanne Marie Clavere <jeannec@wsba.org>; 'bill@wdpickett-law.com' <bill@wdpickett-law.com>
Cc: Jennings, Cindy <Cindy.Jennings@courts.wa.gov>; Velthuysen, Sherrie <Sherrie.Velthuysen@courts.wa.gov>; Terra Nevitt <terran@wsba.org>
Subject: Court's action on proposed amendment to RPC 4.2--Communication with Person Represented by a Lawyer

Ms. Clavere and Mr. Pickett,

The court recently declined to adopt the proposed amendment to RPC 4.2—Communication with Person Represented by a Lawyer. The updated status of the rule on the [website](#) is pending.

Please let me know if you have any questions or if I can be of further assistance.

Shannon Hinchcliffe | Office of Legal Services and Appellate Court Support
Administrative Office of the Courts | P.O. Box 41174 | Olympia, WA 98504-1170
☎ (360) 357-2124 | ✉ shannon.hinchcliffe@courts.wa.gov | 🌐 www.courts.wa.gov

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors
From: Executive Management Team
Date: April 19, 2019
Re: Q1 FY 2019 Management Report

INFORMATION: Q2 FY 2019 Management Report

Attached are annotated FY2019 Operational Priorities, which score the organization's progress through Q2 in achieving FY2019 priorities that are linked to WSBA's Mission Focus area and Strategic Goals.

Also attached is the Organizational Context Chart, which provides background information about WSBA from FY2004 through FY2018, including data and trends related to Members, Regulatory Functions, Engagement & Outreach, Member Benefits & Professional Development, Operations, and Milestones.



MISSION FOCUS AREAS:

ENSURING COMPETENT AND QUALIFIED LEGAL PROFESSIONALS | PROMOTING THE ROLE OF LEGAL PROFESSIONALS IN SOCIETY

	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Regulation & Licensing								
<ul style="list-style-type: none"> Develop and initiate phased implementation of fully integrated online MCLE reporting and certification system for legal professionals. 	X		X				X	<p>Q1: The MCLE and IT teams successfully launched Phase 1, which involved developing requirements and implementing a new online reporting system for LPOs, to incorporate rule changes to their reporting periods and credit requirements.</p> <p>Q2: Not reported in Q2.</p>
<ul style="list-style-type: none"> Develop and prepare to implement the first phase of the updated Online Admissions Program system, which is designed to track to recent rule changes and to move all application types and processing into the online system. 	X		X				X	<p>Q1: Requirements writing by the RSD and IT teams is well underway for this project, which will move all aspects of the admission, licensing, and status change applications online.</p> <p>Q2: Not reported in Q2.</p>
<ul style="list-style-type: none"> Complete initial draft of coordinated discipline system rules, vet with stakeholders, present to BOG, and submit suggested rules to Supreme Court. 			X			X	X	<p>Q1: The intensive FY18 rule drafting work conducted by the WSBA staff workgroup (Office of Disciplinary Counsel, Regulatory Services Department, and Office of General Counsel) continued during FY19 Q1. It is anticipated that a comprehensive draft will be distributed to stakeholder review groups in FY19 Q2.</p> <p>Q2: Drafting work continued; we expect to distribute comprehensive draft in Q3.</p>
<ul style="list-style-type: none"> Research and analyze replacement options for WSBA's discipline records system (GILDA), in anticipation of rule changes. 			X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: Consulting services contract in place with Affinity. Intensive meetings with consultant will begin in Q3 or Q4.</p>
<ul style="list-style-type: none"> Continue to explore possible mechanisms for entity regulation in the State of Washington. 			X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: Project on hold.</p>

* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public's access to legal services.



	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Member Benefits & Professional Development								
<ul style="list-style-type: none"> Update and add additional WSBA practice management guides. 	X						X	<p>Q1: Not reported in Q1.</p> <p>Q2: In Q1 and Q2, we conducted research and drafted two practice management guides addressing cybersecurity and file retention. They are now in the review process. We have identified five additional guides for production in Q4.</p>
<ul style="list-style-type: none"> Implement and evaluate new revenue-sharing models of collaboration with WSBA sections on continuing legal education delivery in order to respond to market trends. 	X						X	<p>Q1: Not reported in Q1.</p> <p>Q2: To date, sales of CLEs developed in collaboration with WSBA Sections have exceeded expectations, which will result in higher revenue splits to sections. During the rollout of the revised fiscal policy, WSBA CLE estimated that splits to sections would increase from approximately \$57k under the old fiscal policy to approximately \$100k under the new policy. Projected splits to be paid in first quarter of FY20 for the programs that delivered in FY19 are \$80k. Note that programs delivering in FY19 have not yet realized the full potential of on-demand sales, which will be acquired over the three years they are available for purchase. Once programs begin to hit this three-year mark, we will expect the annual splits to meet or exceed the projected \$100k. Overall, the policy is yielding the expected results. The on-going evaluation in the first-year of rollout consists of monitoring actuals with projections. A robust fiscal evaluation and check-in with sections will take place in FY20 when on-demand sales data is further developed.</p>
<ul style="list-style-type: none"> Rollout second legal research tool (Fastcase) and Casemaker's updated platform and collaborate with vendors to raise awareness of these member benefits among WSBA members including education and training. 	X						X	<p>Q1: Not reported in Q1.</p> <p>Q2: At the end of January, we launched the newest member benefit, Fastcase. Outreach included (1) an all member eBlast, (2) a press release, (3) a NW Lawyer article, (4) a Social Media "sock" campaign, (5) messaging through WSBA list serves, and (6) free live webinars to educate members on utilizing and adopting this new legal research tool. As of the end of Q2, WSBA members accessed and utilized Fastcase 2,851 times and approximately 746 members logged in each month during February and March. We also worked with Casemaker on beta testing Casemaker 4, its upgraded platform. We will work with Casemaker to develop and execute a similar outreach plan for the upgraded platform, which is tentatively planned for a spring launch. In Q2, 221 members accessed and used Casemaker for the first time (+23% from Q1), and on average 1,851 members logged into Casemaker each month (+3% from Q1).</p>

* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public's access to legal services.



	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Public Service & Diversity/Inclusion								
<ul style="list-style-type: none"> Evaluate WSBA’s public service portfolio and deepen our partnership with the Alliance for Equal Justice. 	X	X	X	■			X	<p>Q1: Beginning with Q4 of FY2018 we have combined our work supporting the Access to Justice Board and pro bono and public service portfolio into one team to foster greater connections between these bodies of work. During Q1 that team welcomed a new Public Service Specialist, Paige Hardy. Paige is an attorney with experience managing pro bono programs. During the quarter Paige and WSBA’s Pro Bono & Public Service Committee connected with partners in the Alliance for Equal Justice including the Washington State Pro Bono Council, Washington’s Race Equity and Justice Initiative, the Access to Justice Board, and the Seattle Area Pro Bono Coordinators. The team is currently evaluating our public service portfolio for improved effectiveness and efficiency, including the Moderate Means Program, the Call to Duty Program, and the Remote Legal Services Project we piloted last year with a grant to support a legal clinic put on by LBAW.</p> <p>Q2: Not reported in Q2.</p>
<ul style="list-style-type: none"> Develop an equity toolkit for use by legal employers in the State of Washington. 	X	X	X		■		X	<p>Q1: Not reported in Q1.</p> <p>Q2: We have completed initial research for this project and are beginning a second iteration of our statewide mapping of equity and inclusion efforts to provide a comprehensive picture of gaps in service, training and education needs and any oversaturation.</p>
<ul style="list-style-type: none"> Institutionalize systems for reviewing policies, practices, procedures, and programs with a race equity lens. 		X		■			X	<p>Q1: Not reported in Q1.</p> <p>Q2: We continue to use the Race Equity Impact Analysis Tool developed in 2016, most recently to review and revise the Pre Admission Education Program (PREP) curriculum. We institutionalized training for all boards, committees, etc. on “Diversity in Decision-Making”, which asks entities to consider institutional racism and unconscious bias in its work and suggests specific strategies entities can undertake to improve equity. Two new project teams originated through the Operations Management Team are also addressing this priority. The first is reviewing WSBA procedures for vetting and selecting vendors and contractors from an equity lens. The second is an effort to institute better norms for engaging in dialogue and decision-making processes around difficult conversations and controversial decision points.</p>

* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public’s access to legal services.



	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Engagement & Outreach								
<ul style="list-style-type: none"> Enhance member awareness and increase engagement in member benefits, bar programs, and services 	X	X	X			X	X	<p>Q1: We strategically highlighted one or more member benefit, bar program, and/or bar service in every issue of <i>NWLawyer</i> magazine, the Take Note biweekly email to members, and quarterly outreach speaking points. A benefit/program/service is also continually featured on the WSBA homepage and blog. We held special campaigns throughout the fall to promote member access to a private insurance pool, a new member benefit. Out of 700 member respondents, 89 percent answered yes to “Do you know how to access professional resources and benefits provided by WSBA?” in an online perception survey in December.</p> <p>Q2: We continued highlighting member benefits as described in Quarter 1. We also held a special campaign this quarter to promote the new Fastcase benefit. For Q1 FY19, out of 116 members surveyed, WSBA received an A- average grade for “providing high-quality professional programs and services.”</p>
<ul style="list-style-type: none"> Enhance collaboration with volunteers through standardized recruitment, training, management, and inclusion 	X	X	X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: In Q1 and Q2 the Volunteer Engagement Team (VET) continued and completed projects carried over from last year: (1) VET is developing recommendations for improved and more consistent approaches to volunteer appreciation, which may include a volunteer ‘pop-up’ award similar to the Professionalism in Practice Award launched last year. (2) VET held a second collaboration session for employees that work with volunteers focused on volunteer recruitment. (3) VET finalized updates to WSBA’s Roles and Responsibilities Document, and distributed it to volunteers and staff liaisons to help address mismatched expectations and confusion. Later this year, VET plans to push out a second volunteer satisfaction survey to help determine the impact of these projects and the team’s future focus.</p>

* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public’s access to legal services.



	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
<ul style="list-style-type: none"> Coordinate outreach to all local, minority and specialty bars that ensures ongoing/meaningful connections with WSBA during the year 		X		■	■	X	X	<p>Q1: We began systematic quarterly tracking of WSBA outreach to local/minority/specialty bars and members to ensure a meaningful presence throughout the state. In addition, our external diversity team and/or members of the WSBA Diversity Committee attended the annual events of VABA, WWL, FLOW, MAMAS, and ABAW; met with the new leadership of MELAW; and reached out to all MBAs to schedule outreach meetings for Q2.</p> <p>Q2: During Q2 we (1) coordinated, hosted, and presented at a meeting of 13 MBAs; (2) paid for staff and diversity committee members to attend the annual events of KABAW, and LBAW; (3) met with the leadership of WADA, LBAW, QLAW, and KABAW; (4) partnered with nine MBAs on a Community Networking Event in Bellevue; (5) at the request of WADA and KABAW, surveyed the MBAs about their tax status; (6) polled MBAs to develop and then distributed a calendar of MBA annual events; (7) coordinated a joint effort of eight MBAs and the Diversity Committee to propose and comment on an MCLE rule change.</p>
<ul style="list-style-type: none"> Improve connections with the public through focused engagement and communications efforts 			X		■		X	<p>Q1: Not reported in Q1.</p> <p>Q2: Public-facing communication efforts this quarter include: representation at school career conferences and fairs regarding innovation license types and media releases and contacts regarding the Court Structure Work Group, Local Hero Awards, and proclamations regarding support of legal diversity and Chief Justice Mary Fairhurst.</p>
Organization & Infrastructure								
<ul style="list-style-type: none"> Foster an environment that promotes employee engagement and input 	X	X	X		■		X	<p>Q1: Not reported in Q1.</p> <p>Q2: All Employee meetings have been held to share organizational information with employees and answer questions about multiple issues impacting the organization. The Staff Advisory Forum for Employees meets monthly and has been discussing feedback from the employee group who has spoken to the BOG about the Anti-Retaliation policy, employee activities, discussion topics for the Random Acts of Pizza sessions and other issues at the WSBA.</p>
<ul style="list-style-type: none"> Engage management in training and developmental opportunities 	X	X	X		■		X	<p>Q1: Not reported in Q1.</p> <p>Q2: We continue to offer the Management Culture and Norms orientation to all new managers as they join the organization. We also continue to offer Quarterly Management IQ/Leadership Development sessions; the last session held in November 2018 focused on teams and teamwork. Sessions are scheduled for 2019, and the first offering is on April 24, 2019 focused on new research around Feedback.</p>

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	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
<ul style="list-style-type: none"> Implement enhanced data and system security measures; develop and rollout WA Legal Link (membership directory); rollout contract management system. 	X	X	X	■	■	X	X	<p>Q1: Reconfigured network to further restrict access to sensitive payment information. Enhanced security for remote access by instituting dual user authentication requirement for IT team. Finalizing WA Legal Link requirements.</p> <p>Q2: Completed: (1) memory upgrade on all servers, (2) targeted phishing exercise, and (3) full internal penetration test. Initiated first phase of email filtering with new service provider.</p>

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2004-2018 ORGANIZATIONAL CONTEXT CHART

MEMBERS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018		
Lawyers:	Total / Median Age ¹	29,199 / 47	30,061 / 47	30,963 / 48	31,912 / 48	32,635 / 48	33,444 / 49	34,034 / 49	34,554 / 49	35,023 / 49	35,477 / 50	36,296 / 50	37,373 / 50	38,162 / 48	38,540 / 50	38,739 / 49		
	Active / Median Age	24,449 / 46	25,186 / 47	25,912 / 47	26,781 / 47	27,398 / 47	27,880 / 47	28,520 / 48	28,815 / 48	29,190 / 48	29,731 / 48	30,487 / 48	31,437 / 48	31,998 / 48	32,189 / 48	32,847 / 48		
	Inactive / Median Age	3,671 / 48	3,740 / 49	3,875 / 50	3,920 / 50	4,001 / 51	4,279 / 51	4,208 / 52	4,416 / 52	4,676 / 53	4,628 / 53	4,695 / 54	4,834 / 55	5,073 / 55	5,224 / 55	5,387 / 56		
	Voluntary Resign. / Median Age	204 / 50	168 / 52	181 / 53	246 / 56	277 / 58	255 / 58	391 / 57	405 / 62	440 / 60	454 / 63	488 / 63	524 / 63	606 / 64	596 / 66	642 / 65		
	Pro Hac Vice	data unavailable	380	517	480	488	506	481	664	623	624	590	638	365	532	584		
Limited Practice Officers:	1,250	1,300	1,349	1,403	1,370	1,291	1,207	1,130	1,069	1,027	1,003	968	963	950	974			
Limited License Legal Technicians:													Introduced 2015	3	16	24	38	
Section Members:	8,236	8,324	8,132	8,739	7,747	7,770	9,497	9,815	9,861	9,968	10,196	10,150	10,617	10,819	10,156			
Volunteers:	Positions ⁱⁱ	data unavailable																
	CLE Volunteers	data unavailable																
	Public Service ⁱⁱⁱ	data unavailable																
	Pro Bono Hours (lawyers / hrs. reported on license form)	data unavailable	4,831 / 286,562	4,226 / 296,776	5,415 / 359,728	5,639 / 371,578	3,905 / 282,575	3,712 / 261,402	4,370 / 280,176	5,515 / 351,935	6,051 / 362,846	4,795 / 327,933	4,902 / 345,525	3,667 / 269,748				
REGULATORY FUNCTIONS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018		
Lawyer Admissions:	All applicants	1,765	1,772	1,821	1,771	1,736	1,674	1,739	1,713	1,694	1,855	2,091	1,956	1,751	1,875	1,761		
	Admissions (by: exam / motion / transfer)	939 / 248 / 0	987 / 270 / 0	951 / 263 / 0	1,116 / 302 / 0	973 / 243 / 0	982 / 235 / 0	948 / 249 / 0	926 / 229 / 0	932 / 246 / 0	880 / 292 / 9	1,023 / 393 / 65	893 / 726 / 87	833 / 559 / 96	750 / 530 / 105	645 / 535 / 139		
Licensing: (calendar year)	MCLE Form 1: ^{iv}	17,399	15,675	15,777	16,313	18,104	20,041	18,472	19,147	19,536	19,002	19,794	19,330	21,954	22,098	20,086		
	Hardship Exemptions Payment Plan	Introduced FY11																
Discipline: (calendar year)	Consumer Affairs ^v	13,575	11,525	11,379	11,646	11,379	10,360	7,851	6,409	5,098	8,503	6,608	6,694	5,652	5,311	4,669		
	Grievances	1,938	1,935	1,847	2,029	1,904	1,769	2,144	2,156	2,329	2,228	2,165	2,081	1,830	1,894	1,965		
	Diversions	32	74	69	63	43	22	38	42	34	30	32	28	15	11	26		
	Actions Imposed (total / disbarments / suspensions)	76 / 19 / 24	83 / 13 / 32	69 / 23 / 26	73 / 25 / 26	81 / 18 / 26	62 / 16 / 20	93 / 26 / 24	74 / 28 / 18	85 / 32 / 21	95 / 32 / 31	71 / 23 / 34	74 / 19 / 27	70 / 21 / 31	88 / 32 / 35	72 / 27 / 28		
Random Exams: Lawyers / calendar year	69	54	78	40	6	59	100	45	20	0	0	121	79	80	78			
Rule 9 Interns:	497	376	413	424	475	393	397	432	464	405	378	322	312	282	285			
Law Clerks:	36	49	47	42	41	44	49	57	60	60	67	71	72	95	81			
Client Protection Fund: (applications/ payments ^{vi})	84 / \$313,721	47 / \$147,247	66 / \$468,696	34 / \$539,789	43 / \$899,672*	33 / \$449,050	78 / \$554,270	72 / \$1,003,458*	39 / \$378,574	45 / \$423,508	44 / \$337,160	59 / \$495,218	44 / \$253,228	47 / \$439,273	46 / \$926,434			
Unauthorized Practice Law: Referral / Deferral Letters ^{ix}	46/19	37/4	41/13	32/10	34/20	54/18	60/19	61/31	43/15	62/28	52/34	no data ^x	44 / 49 ^{xi}	30/10	28 / 9			
	9 / 15 / 0	17 / 4 / 1	6 / 2 / 2	9 / 4 / 1	9 / 13 / 3	16 / 8 / 1	11 / 5 / 2	17 / 3 / 7	9 / 8 / 2	10 / 1 / 0	4 / 4 / 0	29 / 3*	16/0	8 / 1				
ENGAGEMENT & OUTREACH		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018		
Programming:	Decoding the Law (programs / participation)													Introduced FY17	6 / 467	2 / 185		
	Diversity & Inclusion (events & presentations / participation) ⁱⁱ											Introduced FY14	14 / 567	17 / 672	19 / 864	20 / 694	72 / 1,466	
	Mentorship (events / participation) ⁱⁱⁱ													Introduced FY17	5 / 131	8 / 166		
	New Member Program Participation ^{iv,v}													data unavailable	209	155		
Service Center	Calls / emails ^{vi}	90,850	*76,152	data unavailable			*76,188	70,774	62,340	49,957	46,474 / 17,319	45,093 / 20,540	38,588 / 21,187	35,828 / 17,970	32,771 / 16,202	35,261 / 10,244		
Website ^{vii} :	wsba.org site visits	data unavailable							3,628,474	3,447,088	3,697,123	3,512,168	3,527,824	3,184,834	4,609,299	data unavailable		
	wsba.org home page visits	data unavailable							1,379,144	1,305,263	1,235,479	1,166,862	1,100,229	1,560,284	1,895,773	data unavailable		
	Lawyer Directory visits	data unavailable							1,769,558	1,613,296	1,520,793	1,354,613	1,238,116	1,392,694	1,153,615	data unavailable		
	Job Target (site visits/postings)	Introduced FY12									60,795 / 112	185,099 / 357	351,102 / 465	340,660 / 544	307,296 / 632	229,367 / 481	data unavailable	
Social Media:	Facebook (likes / impressions)	Introduced FY12										450	859	1,378	1,741	2,115	2,429	5,100
	Twitter (followers / impressions)	Introduced FY13										1,443	1,905	2,389	3,059	3,488	3,827	
	NWSidebar (subscribers / visits per month)	Introduced FY13										258 / 7,462	415 / 8,042	493 / 8,530	659 / 6,686	637 / 8,457	703 / 6,983	

2004-2018 ORGANIZATIONAL CONTEXT CHART

MEMBER BENEFITS & PROF. DEV.		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	
Ethics Outreach:	Calls / presentations	data unavailable						2,133	2,795	3,629	3,370	3,147	3,241 / 35	2,939 / 34	2,803 / 35	2,594 / 38	2,786 / 49
	Consultations ^{***}	data unavailable						data unavailable		101	41 ^{***}	100	82	100	214		
Practice Management Assistance:	Lending Library	data unavailable						data unavailable		27 / 1,235	28 / 1,010	27 / 557 / 4,784	29 / 746 / 4,589	17 / 418	3 / 55	265 / 185	
	Presentations / attendees ^{***}	data unavailable						data unavailable		data unavailable		639	1,084	888	to be provided		
	Practice Management Discounts ^{***}	data unavailable						data unavailable		data unavailable		639	1,084	888	to be provided		
Member Wellness Program:	Consultations	data unavailable						data unavailable		688	765	212	172	298	194	181	
	Presentations / attendees	data unavailable						data unavailable		11 / 640	15 / 850	12 / 591	4 / 4,250	9 / 5,495	6 / 1,238	8 / 3,917	
	Member Assistance Program	data unavailable						data unavailable		introduced FY14		15 / 43	34 / 53	39 / 55	51 / 63	53 / 51	
	Consults ^{***}	data unavailable						data unavailable		data unavailable		data unavailable		5,104	5,350	4,335	
Legal Research (CaseMaker): Users ^{***}		data unavailable						data unavailable		data unavailable		data unavailable		5,104	5,350	4,335	
Malpractice Insurance (ALPS): Firms / Members		data unavailable						data unavailable		data unavailable		data unavailable		492 / 921	581 / 1,034	709 / 1,213	
		data unavailable						data unavailable		data unavailable		data unavailable		492 / 921	581 / 1,034	709 / 1,213	
CLIE Seminars:	Programs / credits offered	116	118 / 697.75	122 / 717.75	120 / 649.50	112 / 657.75	129 / 658.25	107 / 632.25	110 / 645.75	101 / 662.25	79 / 518	60 / 409.25	54 / 402.75	58 / 389.25	72 / 365.5	73 / 401	
	In-person attendees ^{***}	5,287 / 11,047	5,170 / 9,868	5,942 / 11,566	5,501 / 10,252	5,885 / 10,848	5,382 / 9,934	4,087 / 8,778	4,593 / 6,979	4,870 / 6,430	1,909 / 5,423	2,126 / 4,648	2,541 / 4,335	1,336 / 2,918	1,675 / 2,455	1,992 / 2,259	
	Webcast attendees ^{***}	introduced FY2009						658 / 666	2,182 / 2,196	4,682 / 4,723	4,479 / 4,508	4,202 / 4,221	2,833 / 2,841	2,827 / 2,836	2,955 / 2,972	1,399 / 1,402	1,224 / 1,512
Legal Lunchbox: ^{***}	Programs / credits offered	data unavailable						data unavailable		data unavailable		data unavailable		data unavailable		data unavailable	
	Attendees (unduplicated / total)	data unavailable						data unavailable		data unavailable		data unavailable		data unavailable		data unavailable	
New Member Education:	Programs / credits offered	data unavailable						data unavailable		data unavailable		data unavailable		data unavailable		data unavailable	
	Attendees (in-person / webcast)	data unavailable						data unavailable		data unavailable		data unavailable		data unavailable		data unavailable	
On-Demand Seminars:	Programs / credits offered	data unavailable						data unavailable		data unavailable		data unavailable		data unavailable		data unavailable	
	On-Demand programs sold / credit hours delivered	1,124 / NA	1,535 / NA	2,957 / NA	4,050 / NA	4,622 / NA	5,639 / NA	5,697 / NA	4,825 / NA	6,087 / NA	5,909 / NA	6,624 / NA	6,518 / 21,895.25	6,498 / 23,821.25	6,413 / 25,930.25	7,160 / 28,507	
	Desk books (including on-line Desk Books) / course books	211 / 147	695 / 795	1,828 / 983	1,432 / 893	492 / 829	864 / 674	970 / 627	949 / 511	713 / 443	700 / 474	546 / 443	936 / 288	850 / 324	396 (285) / 231	284 (332) / 165	
Mini CLIEs:	Programs / credits offered	3 / 3.5	13 / 30.5	21 / 41.5	26 / 52.5	35 / 72.5	57 / 110.75	37 / 50.5	41 / 57	36 / 67.75	41 / 86.5	43 / 105	39 / 52.25	54 / 60	36 / 46.25	46 / 60	
	Attendees	79	665	847	989	1,254	1,572	1,245	1,327	1,196	1,591	1,854	2,451	2,528	1,787	3,580	
OPERATIONS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	
Budgeted FTE		123.9	126.0	134.3	138	140.75	142.87	144.12	146.1	143.9	140.7	139.95	145.95	144.45	141.9	141.15	
Turnover		20%	data unavailable	15%	12%	19%	7%	8%	12%	18% ^{***}	14%	18%	22%	16%	16%	13%	
Lawyer License Fees:	Active Lawyer Fee	\$375	\$383	\$391	\$399	\$407	\$415	\$450	\$450	\$450	\$325	\$325	\$325	\$385	\$365	\$449	
	CPF Assessment	\$13	\$13	\$13	\$15	\$15	\$15	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30	
	Keller Deduction (amount / % taking deduction)	\$1.94 (10%)	\$3.70 (11%)	\$2.14 (10%)	\$3.80 (10%)	\$3.15 (10%)	\$3.45 (9%)	\$3.95 (13%)	\$4.40 (14%)	\$6.00 (17%)	\$6.40 (17%)	\$4.70 (16%)	\$4.40 (13%)	\$3.50 (14%)	\$2.50 (14%)	\$2.50 (17%)	
Limited Practice Officer License Fee:		\$85	\$85	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	
Limited Legal License Technician License Fee:		data unavailable						data unavailable		data unavailable		data unavailable		\$175	\$175	\$175	
# Donations to WSBF / WSBF grant to WSBA:		data unavailable						data unavailable		data unavailable		data unavailable		data unavailable		data unavailable	
General Fund Revenues:	Budgeted	\$11,835,371	\$12,429,364	\$13,157,970	\$13,840,420	\$14,935,591	\$15,251,745	\$16,594,854	\$16,991,025	\$17,112,690	\$15,137,529	\$14,562,325	\$14,757,180	\$16,420,637	\$16,890,224	\$18,913,199	
	Actual	\$12,043,769	\$13,218,235	\$13,980,849	\$14,611,383	\$14,612,599	\$15,071,222	\$17,077,440	\$17,308,336	\$17,797,242	\$15,349,822	\$15,335,749	\$15,266,002	\$16,937,121	\$17,584,851	\$19,514,585	
General Fund Expenses:	Budgeted	\$11,592,829	\$12,429,304	\$13,157,487	\$14,717,511	\$15,190,916	\$17,202,812	\$16,184,798	\$16,667,875	\$16,934,743	\$15,594,088	\$16,562,819	\$17,904,053	\$18,757,977	\$18,887,569	\$19,645,474	
	Actual	\$11,051,897	\$12,069,956	\$13,077,385	\$14,011,799	\$14,795,034	\$16,559,591	\$15,520,074	\$16,028,974	\$16,323,442	\$15,097,982	\$16,493,451	\$17,966,538	\$18,121,119	\$18,139,636	\$19,182,478	
General Fund Net Income/(Loss):	Budgeted	\$242,542	\$60	\$483	(\$877,091)	(\$255,325)	(\$1,951,067)	\$410,056	\$323,150	\$177,947	(\$456,559)	(\$2,000,489)	(\$3,146,873)	(\$2,337,340)	(\$1,997,345)	(\$732,275)	
	Actual	\$991,873	\$1,148,279	\$903,464	\$599,584	(\$182,435)	(\$1,488,369)	\$1,557,366	\$1,279,362	\$1,473,800	\$251,840	(\$1,157,702)	(\$2,700,536)	(\$1,183,998)	(\$554,785)	\$432,107	
General Fund Balance:		\$2,724,324	\$3,920,348	\$4,823,814	\$5,423,398	\$5,240,962	\$4,434,586	\$5,991,957	\$7,271,320	\$8,745,117	\$8,960,772	\$7,803,070	\$5,102,534	\$3,918,536	\$3,363,751	\$3,795,958	
Continuing Legal Education Fund Balance:		\$1,438,141	\$1,585,028	\$1,954,241	\$1,991,838	\$1,947,887	\$1,079,796	\$1,408,491	\$1,351,464	\$1,341,266	\$1,192,124	\$458,415	\$53,090	\$456,568	\$485,582	\$604,125	
Sections Fund Balance:		\$832,805	\$780,129	\$878,817	\$896,930	\$805,101	\$711,521	\$677,666	\$773,328	\$904,933	\$1,028,539	\$1,074,417	\$1,229,705	\$1,212,637	\$1,197,726	\$1,160,342	
Client Protection Fund Balance:		\$632,477	\$821,669	\$796,155	\$699,239	\$231,804	\$184,640	\$434,823	\$261,318	\$791,399	\$1,213,602	\$1,746,010	\$2,144,289	\$2,646,222	\$3,242,299	\$3,227,988	
TOTAL FUND BALANCES:		\$5,625,747	\$7,107,172	\$8,453,027	\$9,011,405	\$8,225,754	\$6,410,543	\$8,512,937	\$9,657,430	\$11,782,715	\$12,395,037	\$11,081,912	\$8,540,731	\$8,244,922	\$8,308,990	\$8,788,313	

2004-2018 ORGANIZATIONAL CONTEXT CHART

MILESTONES	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018
<p>WLI founded</p> <p>TIMSS Member Database</p> <p>Campaign for Equal Justice created</p> <p>Alliance for Equal Justice created</p> <p>Supreme Court adopts Access to Justice Technology Principles</p> <p>New Section: Legal Assistance to Military Personnel (LAMP)</p>	<p>Case Maker offered to members</p>	<p>New Mission Statement & Guiding Principles</p> <p>ABA Report on Discipline System</p> <p>New Character & Fitness rules</p> <p>New Sections: Juvenile Law and Sexual Orientation and Gender Identification Issues (SOGJI)</p> <p>ADR Program, LAP & LOMAP Committees Sunsetting</p>	<p>New Executive Director</p> <p>Mandatory reporting of insurance requirements</p> <p>WSBA move to Puget Sound Plaza</p>	<p>2008-2011 Strategic Goals adopted</p> <p>Program Reviews</p> <p>Application fees increase</p> <p>Online MCLE tracking</p>	<p>Live webcasting</p> <p>Limited Practice Officer rules/online tracking</p> <p>mywsba.org revamped</p> <p>\$1.5M gift to Law Fund</p> <p>Online licensing rolled out</p> <p>Online filing of grievances implemented</p> <p>CLE Conference Center opened</p> <p>Law Fund check off begins</p> <p>Home Foreclosure Program initiated</p> <p>DART introduced</p> <p>Spokane Bar Exam offered through FY2012</p>	<p>New WSBF mission statement; 2010-2013 Strategic Goals adopted; Comprehensive WSBA Bylaw changes</p> <p>Program Reviews</p> <p>Online licensing rolled out</p> <p>Online filing of grievances implemented</p> <p>CLE Conference Center opened</p> <p>Law Fund check off begins</p> <p>Home Foreclosure Program initiated</p> <p>DART introduced</p> <p>Spokane Bar Exam offered through FY2012</p>	<p>Mission Focus Areas adopted</p> <p>Licensing: Hardship exemption added</p> <p>WSBA.org redesigned</p> <p>Moderate Means Program Initiated</p> <p>CPLE becomes independent 501(c)(3)</p> <p>Job Target Introduced</p> <p>Initial Membership Demographic Study Completed</p>	<p>Member Referendum</p> <p>Listening Tours introduced</p> <p>Formation of Governance Task Force</p> <p>Online admissions rolled out</p> <p>Job Target Introduced</p> <p>Initial Membership Demographic Study Completed</p>	<p>2013-2015 Strategic Goals adopted</p> <p>First UBE</p> <p>LLLT Rule adopted by Supreme Court</p> <p>Licensing: Payment Plan introduced/ WSBF check-off added</p> <p>Job Target enhanced (Practice Transition Opportunities & Contract Lawyer)</p> <p>Home Foreclosure Project transferred to Northwest Justice Project Diversity Plan adopted</p> <p>CLE model evaluation begins</p> <p>NWSidebar introduced</p> <p>Disaster Recovery Plan revised</p> <p>YLC integration</p> <p>WLI to UW Law School</p> <p>BOG Diversity Committee and Committee for Diversity Merged</p> <p>Equal Justice Community Leadership Academy founded</p>	<p>Quarterly Dashboards introduced</p> <p>Amendments to ELCs and APRs</p> <p>Document Management System launched</p> <p>GR124 – public records</p> <p>Legal Lunchbox introduced</p> <p>CLE Portfolio Realignment</p> <p>Migrated to single platform for all recorded products (video, MP3, coursebooks)</p> <p>Call to Duty Program launched</p> <p>First Responders Will Clinic becomes independent 501(c)(3)</p> <p>New Section: Low Bono</p> <p>Disaster Recovery: Recovery Site established; First Table Top Exercise</p> <p>New Professionalism Plan implemented</p>	<p>Board Governance Task Force and Self-Evaluation</p> <p>Amendments to MCLE rules</p> <p>LLLT: first licenses issued and RPCs adopted</p> <p>Implemented WSBA intranet</p> <p>New LOMAP delivery system model and expanded member benefits</p> <p>Implemented MentorLink</p> <p>Phase 2 of membership study; Diversity literature review & intersectionality report</p> <p>Puget Sound Plaza lease renewal and WSBA facilities renovation</p>	<p>2016-2018 Strategic Goals adopted</p> <p>ECCL Policy Decisions</p> <p>Amendments to APRs</p> <p>Amendments to WSBA Bylaws</p> <p>Amendments to Character & Fitness rules</p> <p>Sections policies</p> <p>MCLE system upgrade</p> <p>Website Redesign</p> <p>Webinar capacity launched</p> <p>CLE Faculty Database</p> <p>ATJ / CPD summits</p>	<p>WSBA Bylaw Amendments adopted; LLLTs and LPOs Members of WSBA</p> <p>Coordinated Admission and Licensing Rules adopted; began coordinated system implementation</p> <p>Amendments to Character & Fitness rules</p> <p>MCLE system upgrade</p> <p>Website Redesign</p> <p>Webinar capacity launched</p> <p>CLE Faculty Database</p> <p>ATJ / CPD summits</p>	<p>Supreme Court 9.21.18 directive re WSBA Bylaw Amendments</p> <p>Implemented coordinated admission and licensing systems for legal professionals</p> <p>Launched redesigned WSBA.org</p> <p>Revised CLE revenue sharing model in collaboration with sections</p> <p>Redesigned WSBA.org</p> <p>Decoding the Law Launched</p> <p>ATJ Board completes 2018-2020 State Plan for Coordinated Delivery of Civil Legal Aid</p> <p>Practice Primers Launched</p> <p>New benefit delivery model and system implemented as LOMAP renamed Practice Management Assistance Program</p>	<p>Supreme Court 9.21.18 directive re WSBA Bylaw Amendments</p> <p>Implemented coordinated admission and licensing systems for legal professionals</p> <p>Launched redesigned WSBA.org</p> <p>Revised CLE revenue sharing model in collaboration with sections</p> <p>Rolled out Paperless AP System</p> <p>Membership data management platform upgraded</p> <p>Launched WSBA Health Insurance Exchange</p> <p>Implemented Member Perception Survey</p> <p>Statewide diversity training for Attorney General's Office</p>

- ¹ Includes Active, Emeritus, Honorary, Inactive and Judicial members.
- ² Includes section executive committee members; and members of WSBA committees, regulatory boards, Supreme Court boards, panels, and task forces.
- ³ Reflects number of participants in WSBA Public Service programs: (1) Home Foreclosure Legal Aid Project (FY2009-FY2013: helped low to moderate income homeowners save their homes from foreclosure; this work was transferred to the Northwest Justice Project in 2013); (2) Moderate Means Program (FY2011-present: helps clients in the 200-400% of Federal Poverty level with family, consumer, and housing problems; and (3) Call to Duty Initiative (FY2016-present: informs and involves volunteer attorneys in meeting the legal needs of veterans and their families).
- ⁴ An MCLE Form 1 is an application for approval of MCLE credits (filed by sponsors and members). This figure does not include ~2,000 forms per year that are returned or reprocessed because incomplete or incorrect.
- ⁵ Years 2004-2012 include oral contacts only, not e-mail communications. Year 2013 includes oral contacts and e-mail communications. Starting in calendar year 2015, this figure includes all Spanish language contacts with Consumer Affairs.
- ⁶ Asterisk indicates prorated payout of authorized awards.
- ⁷ The Washington Supreme Court suspended this Board from November 2014 through July 2015. The Board was reconstituted and resumed operation in FY16.
- ⁸ The Court suspended the Board on November 11, 2014 and reconstituted the Board on July 8, 2015. The reconstituted Board reviewed cases that were put on hold during the suspension.
- ⁹ First figure represents number of Cease & Desist letters issued without referral to prosecutor or ODC; second represents number of letters issued and referred to prosecutor; third represents number of letters issued and referred to ODC. The Court reconstituted the Board on July 8, 2015 and the reconstituted Board only dismisses or refers cases.
- ¹⁰ This figure represents referrals only. The Board does not issue cease and desist letters.
- ¹¹ This figure excludes diversity-focused Legal Lunchbox programming, which in FY18 reached an additional 4,077 participants. Presentations grew significantly in FY18 as we increased our focus on providing on-site education and consultation to legal employers.
- ¹² The WSBA mentorship program was introduced in FY15, and ongoing events (Mentorship Mixers) were launched in FY17. The data captures the number of mixers and the number of attendees. Note that the attendance data for FY18 is for only 5 of the 8 events held that year.
- ¹³ This figure represents total participation in new member programming, including Open Sections Night, the Young Lawyer Liaison to Sections Program, and the development teams for new member education.
- ¹⁴ Until FY13, WSBA tracked total Service Center contacts; beginning in FY13, data was tracked by type of contact (calls and email). Incomplete data in FY05 and FY09 years marked with *, full year was calculated using average monthly data.
- ¹⁵ FY18 analytics measurement data unavailable due to technical difficulties following launch of redesigned website. Those issues have been resolved, and FY19 data is being tracked.
- ¹⁶ Includes assistance by consultation, phone inquiry, and email inquiry.
- ¹⁷ WSBA moved away from paid one-on-one consultations as part of the plan to expand accessibility of Practice Management Assistance (PMA) services to more members. In addition to greater outreach through webcast programming, WSBA offers free phone consultations for up to 30 minutes.
- ¹⁸ First figure represents number of presentations; second represents attendees at Practice Management Assistance (PMA) presentations *excluding* Legal Lunchbox seminars presented by the PMA team; third represents total attendees at PMA presentations, *including* Legal Lunchbox seminars presented by PMA.
- ¹⁹ WSBA has a dynamic practice assistance network through which members may receive discounts on law practice tools. The data reflects the aggregated number of subscriptions to all of the tools offered in a given year since FY13. Offerings change over time, and include or have included: automated docketing systems; legal forms; ABA retirement funds; daily Washington case reports; writing software; ABA books for Bars; electronic time billing, file sharing, client conflict checking and client billing software; and receptionist services.
- ²⁰ First figure represents clients provided counseling; second figure represents number of sessions provided.
- ²¹ Figure reflects the average number of active users each quarter of that year.
- ²² First figure represents unduplicated member registrants for in-person attendance; second figure represents total registrants for in-person attendance (including non-members).
- ²³ First figure represents unduplicated member registrants for webcast attendance; second figure represents total webcast registrants (including non-members).
- ²⁴ Includes unduplicated / total attendees at 10 live webcasts for credit and 2 months of on demand seminars. Credits provided through the series are adequate to meet minimum MCLE requirements.
- ²⁵ Webcast participation increased in FY15 due to two seven-part series (Beverage Law and Advising Startups) offered only via webcast.
- ²⁶ Includes Referendum layoffs.
- ²⁷ WSBA reserves – net assets – are identified by fund, and are either Board-designated or legally restricted. There are three Board-designated funds: (1) General Fund reserves, funded by WSBA annual operating income, and designated to cover unanticipated losses in the event of an emergency, support future facility needs, and cover net loss and extraordinary costs of WSBA functions, services, and operations; (2) CLE Fund reserves, funded by income from CLE seminars and products, and designated to cover net loss and extraordinary costs of CLE activities; and (3) Sections Fund reserves, consisting of the collective net income or loss of all WSBA sections, and designated to cover to cover net loss and extraordinary costs of section activities. The Client Protection Fund is a legally restricted fund, created by the Washington Supreme Court and WSBA to compensate victims of the dishonest taking of, or failure to account for, client funds or property by a lawyer.

WASHINGTON STATE BAR ASSOCIATION

To: WSBA Board of Governors
From: Sanjay Walvekar, WSBA Outreach and Legislative Affairs Manager
Date: May 1, 2019
Re: 2019 Legislative Session Wrap-Up

BACKGROUND: The following is provided for the Board's information regarding action taken by the Legislature during the 2019 session.

The 105-day 2019 regular session began on January 14 and adjourned on April 28. Legislators passed a myriad of policy measures, as well as [a new 2019-21 state operating budget](#) (including plans for increased higher-education spending and a rebuild of the state's mental-health system) and a [corresponding tax package to fund the budget](#) (anticipating more than \$830 million in new revenue).

OVERVIEW:

2019 WSBA Legislative Priorities

Priority #1: Solicit and receive input from the members, sections and committees of the WSBA regarding setting the legislative priorities of the WSBA.

This priority was adopted by the Board in November, after feedback from members attending the annual Section Legislative Primer. The WSBA legislative affairs team will work with WSBA stakeholders to draft legislative priorities for the 2020 session.

Priority #2: Sponsor Bar-request legislative proposals initiated by WSBA Sections that are approved by the Board.

Gov. Inslee signed WSBA's request bill, [SB 5003](#), into law on April 26. Originating from the Corporate Act Revision Committee of the Business Law Section, SB 5003 addresses preemptive rights, cumulative voting, and approval of asset sales under the [Washington Business Corporation Act](#) to better align with the Model Business Corporation Act and other leading corporate law jurisdictions, such as Delaware. This law goes into effect 7/28/2019.

Priority #3: Support non-Bar request legislative proposals approved by the Board under GR 12.

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The Board's legislative involvement this session centered on [ESHB 1788](#), a bill that would repeal the majority of the State Bar Act. The WSBA Board opposed this legislation and testified in opposition to the bill before the Senate Law & Justice Committee on March 19. The bill passed the House and Senate with amendments but did not receive a concurrence vote in the House. In effect, no bill related to the State Bar Act passed the Legislature this session.

Priority #4: Monitor and take appropriate action on legislative proposals significant to the practice of law and administration of justice.

The WSBA Legislative Affairs Office monitored numerous legislative proposals that might have impacted various WSBA entities. The following is a list of some of the key bills that were monitored and involved working collaboratively with relevant WSBA Sections:

- [SB 5079](#) (Sen. McCoy): enacting the Native American Voting Rights Act of Washington (Civil Rights Law: support). Signed by Gov. Inslee. This law goes into effect 7/28/2019.
- [SB 5131](#) (Sen. Takko): regarding foreclosure and distraint sales of manufactured/mobile or park model homes (Creditor Debtor Rights: concerns). Signed by Gov. Inslee. This law goes into effect 7/28/2019.
- [SB 5399](#) (Sen. Pedersen): concerning child relocation by a person with joint decision-making authority and equal residential time (Family Law: concerns). Signed by Gov. Inslee. This law goes into effect 7/28/2019.
- [HB 1066](#) (Rep. Kilduff): requiring debt collection complaints to be filed prior to service of summons and complaint (Creditor Debtor Rights: concerns). Passed both houses and awaiting Gov. Inslee's signature.
- [HB 1602](#) (Rep. Reeves): concerning consumer debt (Creditor Debtor Rights: concerns). Passed both houses and awaiting Gov. Inslee's signature.
- [E2SHB 2158](#) (Rep. Hansen): Creating a workforce education investment to train Washington students for Washington jobs (Taxation: concerns). Passed both houses and awaiting Gov. Inslee's signature.
- [SB 5907](#) (Sen. Kuderer): requiring the office of civil legal aid to conduct a comparative study of the impact of attorney representation for tenants in unlawful detainer proceedings (Low Bono: support). Passed committee; did not go to floor vote.
- [SB 5513](#) (Sen. Keiser): concerning the employer-employee relationship (Solo & Small Practice: opposed). Did not pass committee.

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- [SB 5189](#) (Sen. Hasegawa): prohibiting dual agency in certain real estate transactions (RPPT: opposed).
Did not pass committee.
- [SB 5302](#) (Sen. Rivers): creating an office of the homeowners' association ombuds. (RPPT: opposed).
Did not pass committee.

Session Statistics

During the legislative session this year, the WSBA Legislative Affairs Office:

- Referred **1098** bills to WSBA Sections;
- Continuously tracked **460** bills through the end of session;
- Monitored **52** committee hearings;
- Testified and/or coordinated testimony for **3** hearings; and
- Participated in approximately **30** meetings with legislators and staff.

Legislative Interim

For some bills that did not reach final passage this year, legislators have already expressed an interest in studying these issues over the summer and fall months for reintroduction in 2020. Over the interim, relevant WSBA entities and the WSBA Legislative Affairs Office will monitor and participate in these discussions with legislators and legislative staff regarding various legislative proposals.

WASHINGTON STATE BAR ASSOCIATION

TO: Board of Governors
FROM: Joy Williams, WSBA Diversity and Public Service Programs Manager
 Robin Nussbaum, WSBA Inclusion & Equity Specialist
RE: Diversity and Inclusion Events
DATE: May 2, 2019

WSBA Diversity and Inclusion Events

Education, Collaboration, and Partnership

Working closely with staff, volunteers and community partners throughout the legal community is foundational to the successful implementation of the diversity plan. WSBA participates in and provides a variety of opportunities to increase cross-cultural competency, awareness and engagement. Your participation communicates WSBA's commitment to representation and involvement in advancing inclusion.

Diversity & Inclusion Events for WSBA Staff and Volunteers			
When	What	How You Can Help	Who To Contact for More Info
Monday, May 13	Continuing the Conversation Mindfulness	FYI only	Robin N.
Wednesday, May 22	Difficult Conversations Project Team	FYI only	Robin N.
Thursday, June 6	Quarterly Accessibility Team Meeting	FYI only	Robin N.
Thursday, June 13	Continuing the Conversation When cultural values clash	FYI only	Robin N.
Wednesday, June 26	Difficult Conversations Project Team	FYI only	Robin N.
Thursday, July 18	Continuing the Conversation The differences for African Descendants of Slavery in the US and more recent Black Immigrants	FYI only	Robin N.
Wednesday, July 24	Difficult Conversations Project Team	FYI only	Robin N.



Washington State Minority Bar Association and other External Diversity Events			
When	What	How You Can Help	Who To Contact for More Info
Tuesday, May 7	Seattle City Attorney's Office – Equity and Justice Presentation	FYI	Joy or Dana
Wednesday, May 8-9	Pierce County Prosecutors Office – CLE: Implicit Bias and Microaggressions	FYI	Joy or Dana
Tuesday, May 14	Community Networking Event - Tacoma	Attend if in the area	Joy or Dana
Wednesday, May 15	Pierce County Prosecutors Office – CLE: Implicit Bias and Microaggressions	FYI	Joy or Dana
Friday, May 17	Loren Miller Bar Association Annual Event - Seattle	Attend if in the area	Joy or Dana
Monday, May 20-21	Van Ness Feldman DC Office – CLE: Implicit Bias and Microaggressions	FYI	Joy or Dana
Thursday, May 23	Community Networking Event – Bellingham	Attend if in the area	Joy or Dana
Friday, June 7	Government Lawyers Association –CLE	FYI	Joy or Dana
Wednesday, June 19	Board of Industrial Appeals – Juneteenth Speaker	FYI	Joy or Dana
Tuesday, June 25	GLP Attorneys – CLE: Implicit Bias and Microaggressions	FYI	Joy or Dana
Wednesday, July 10	Reception for Seattle U ARC program	Attend if in the area	Joy or Dana
Tuesday, July 30	Legal Lunchbox Diversity Themed CLE: White Nationalism	View Webcast	Joy or Dana

Contact Information

Joy: joyw@wsba.org or 206.733.5952

Dana: danab@wsba.org or 206.733.5945

Robin: robinn@wsba.org or 206.727.8322

Kevin: kevinp@wsba.org or 206.727.8203

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associate Director of Finance
Ann Holmes, Chief Operations Officer

Re: Results through March 31, 2019 (50% of fiscal year)

Date: April 16, 2019

Attached are the year-to-date financial statements through March 2019, which show that most revenue and expenses are within acceptable ranges of the budgeted amounts. Below is a summary of revenue and expense highlights through March 31, 2019, 50% of the fiscal year completed.

REVENUE AND EXPENSE ANALYSIS

General Fund Revenues

- *Licensing revenue* is slightly over budget at 51.02% and reflects Q1 license fees of \$449 and Q2 license fees of \$453. The majority of fees have been collected for the year and are allocated each month thereafter. License fee revenue is trending to meet or exceed budget.
- *Gain/Loss on Investments and Interest Income* is currently over budget at 163.51%. Interest income earned on CDs and money market accounts have had higher than expected interest rates. The remainder of the portfolio is invested in bond funds, which have also been performing better than anticipated.
- *Admission/Bar Exam* revenue continues to be higher than budget at 67.34%, driven by the timing of licensing exams. We expect to receive additional revenue in the next quarter from applicants sitting for the July exams, and expect revenue to be in line with budget at year-end.
- *Law Clerk Fees* are higher than budget at 94.02%. This annual fee is collected throughout the year, with the highest volume collected from December through February. We expect that this revenue will come in on budget by the end of year.
- *Pro Hac Vice Revenue* continues to be a solid revenue source for WSBA at 74.31% of budget. We expect this to come in on or over budget at year-end.
- *Mandatory CLE* revenue (aggregate) is higher than budget at 66.44%, which is driven in large part by the licensing cycle. We expect revenues to meet budget.

- *NW Lawyer Display Advertising Revenue* is under budget at 34.67% half way through the year. This is mainly caused by the timing of display advertising revenue collection. We expect additional revenue to be collected in April from the WSBA's contracted advertising agency which should bring revenue more in line with the publication pattern.
- *Reimbursement from Sections* revenue for the WSBA Per-Member charge is higher than budget at 95.60%. Section dues are generally collected during January and February and the corresponding Per-Member Charge is allocated to WSBA. We expect to come in on budget at year-end.

Indirect Expenses

Salaries for regular employees are at 50.29% of budget, principally due to vacation hour cash outs and quarterly expense adjustment for accrued vacation and comp time. *Overall salary expense (regular staff, temps, and capital labor)* is slightly over budget at 51.95%, resulting from higher expenses for seasonal temporary employees and lower than budgeted capital labor expense offset that is dependent upon project timing. *Employee benefits* are under budget at 48.29%, resulting from timing of expenses and position vacancies. We anticipate that salaries and benefits will both come in on budget for the year.

Other Indirect Expenses are slightly over budget at 53.99%. Expenses such as *insurance, meeting support, depreciation, postage, staff training, Human Resources and Computer Pooled (IT) expenses* are at or below budget. Areas higher than budget include: *Workplace Benefits* at 69.65% resulting from the timing of expenses for the annual staff party held in March; *Rent* at 55.60% resulting from higher than budgeted leasehold excise tax assessments; *Personal Property Tax* at 53.89% resulting from higher than anticipated property tax rates; *Professional Fees- Audit* at 90.48% for WSBA's annual audit, which has been completed and no additional costs are expected to be incurred this year; *Professional Fees- Legal* at 194.82% from ongoing litigation of WSBA matters; *Records Storage* at 54.25% from WSBA-wide records clean-up; and *Bank Fees* at 54.25% due to the high volume of banking transactions in January and February from licensing, which should fall back in line with budget by year-end.

General Fund Direct Expenses

Direct expenses are under budget in a variety of areas. Some key areas follow:

- *Admission/Bar Exam* expenses are under budget at 36.65%. Most of the expenses are driven by the timing of two licensing exams (February and July) with a significant amount attributed to the July exam. We expect expenses to come in line with budget through the second half of the year.
- *Overall* expenses in the Board of Governors cost center is under budget at 44.45%. BOG Meeting expenses are low; however, the largest expenses occur in July (Board retreat) and September (final meeting coinciding with APEX dinner). BOG Conference Attendance expenses are also low but we expect it to increase in April/May as Governors submit reimbursement for attendance at the Western States Bar Conference held at the end of March.
- *Communication Strategies* expense is under budget at 34.32%, principally due to timing of the APEX dinner in September.
- *Membership Benefits* expense is higher than budget at 69.50%, principally due to timing of fees paid for contracted member benefits (WSBA Connects member assistance plan, Casemaker and Fastcase legal research tools).

- *Northwest Lawyer* expense is under budget at 35.78%, which is consistent with the magazine's revenue trends. Expenses are directly linked to the timing and number of issues published. We have published four out of nine issues in FY19: October, December, January, and March.
- *Donations/Sponsorships/Grants* for Public Service Programs is under budget at 23.57%, principally due to timing of quarterly payments for the Moderate Means Program facilitated by the three Washington law schools.

Continuing Legal Education (CLE)

Total CLE revenue of \$956,687 came in slightly below budget at 46.91%. Seminar registration revenue is at 31.81%, which is typical for Q2. We expect revenue to pick up in the second half of the year based on anticipated programming. Product revenue continues to be strong at 63.01%, driven by on-demand media sales. Overall Deskbook revenue is under budget at 45.81%, mainly due to lower Casemaker Royalty payments received as of March. Deskbook Sales and Section Publication Sales are higher than budget at 63.11% and 67.50% respectively.

CLE Indirect expenses are slightly over budget at 51.30%. CLE Direct expenses are below budget at 22.58% which is consistent with the number of programs held so far this year. We expect this to pick up in the second half of the year consistent with revenue. Deskbook Indirect expenses are slightly over budget at 51.44%. Deskbook Direct expenses are higher than budget at 75.53% as they are predominately tied to deskbook sales, which are higher than budget at this time.

Client Protection Fund (CPF)

CPF revenues are over budget at 103.70%. The majority of revenues for member assessments come in during January and February with annual licensing payments. Currently, total CPF direct expenses are below budget at 11.18% due to the time of payments of gifts to injured clients, which are typically paid at the end of the fiscal year. Indirect expenses are slightly under budget at 45.61%, and are expected to trend to budget throughout the year.

WASHINGTON STATE
BAR ASSOCIATION

Financial Reports

(Unaudited)

Year to Date February 28, 2019

Prepared by Tiffany Lynch, Associate Director for Finance

Submitted by

Ann Holmes, Chief Operations Officer

March 20, 2019

Washington State Bar Association Financial Summary
Year to Date as of February 28, 2019 41.87% of Year
Compared to Fiscal Year 2019 Budget

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	-	7,500	115,781	271,867	7,801	62,957	123,582	334,824	(123,582)	(327,324)
Administration	100,692	100,000	499,299	1,138,769	(5,443)	4,885	483,857	1,143,654	(383,194)	(1,043,654)
Admissions/Bar Exam	622,445	1,327,400	359,615	841,048	64,327	416,931	423,942	1,257,979	196,503	69,421
Board of Governors	-	-	248,749	530,178	102,952	304,531	351,701	834,709	(351,701)	(834,709)
Communications Strategies	860	50,750	241,879	550,782	28,543	104,800	270,422	655,582	(269,562)	(604,832)
Conference & Broadcast Services	-	-	338,237	780,393	2,094	3,500	340,330	783,893	(340,330)	(783,893)
Discipline	36,204	96,200	2,384,993	5,864,008	67,664	220,267	2,452,657	5,884,275	(2,416,363)	(5,788,075)
Diversity	140,330	120,374	233,669	544,641	6,510	21,550	240,178	566,191	(99,848)	(445,817)
Foundation	-	-	64,630	150,663	2,695	14,200	67,326	164,863	(67,326)	(164,863)
Human Resources	-	-	168,533	204,958	-	-	168,533	204,958	(168,533)	(204,958)
Law Clerk Program	146,716	166,000	60,574	142,665	2,204	11,350	62,779	154,015	83,937	11,985
Legislative	-	-	58,694	135,416	8,011	18,650	66,706	154,066	(66,706)	(154,066)
Licensing and Membership Records	160,912	304,350	271,844	636,327	14,075	45,812	285,919	682,139	(125,007)	(377,789)
Licensing Fees	6,692,417	15,958,200	-	-	-	-	-	-	6,692,417	15,958,200
Limited License Legal Technician	-	-	93,431	215,591	8,814	25,600	102,244	241,191	(102,244)	(241,191)
Limited Practice Officers	-	-	69,387	168,653	1,352	3,000	70,738	156,182	(70,738)	(171,653)
Mandatory CLE	580,038	1,050,000	288,173	620,981	103,902	252,448	392,074	873,429	187,964	178,571
Member Assistance Program	4,047	10,000	60,464	141,224	825	1,275	61,289	142,499	(57,242)	(132,499)
Member Benefits	11,074	17,000,000	38,309	92,611	111,127	185,096	149,437	277,707	(138,363)	(260,707)
Member Services & Engagement	94,604	141,200,000	207,498	505,614	11,748	56,065	219,246	561,679	(124,842)	(420,479)
NW Lawyer	120,120	461,350	116,798	302,818	117,597	355,635	234,334	658,453	(114,214)	(197,103)
Office of General Counsel	330	-	348,361	928,680	1,693	13,076	350,063	941,756	(349,723)	(941,756)
OGC-Disciplinary Board	-	-	73,327	187,073	32,094	103,500	106,421	290,573	(106,421)	(290,573)
Outreach and Engagement	-	-	158,337	371,046	5,690	30,852	164,027	401,898	(164,027)	(401,898)
Practice of Law Board	-	-	19,297	74,063	4,279	16,000	23,576	90,063	(23,576)	(90,063)
Professional Responsibility Program	-	-	110,030	258,870	3,471	6,700	113,500	265,570	(113,500)	(265,570)
Public Service Programs	139,119	112,000	52,899	142,504	49,952	232,415	102,851	374,010	36,268	(262,919)
Publication and Design Services	-	-	65,408	141,602	4,280	5,263	69,898	146,865	(69,898)	(146,865)
Sections Administration	283,981	300,000	220,992	515,018	6,839	9,297	227,832	524,315	55,250	(224,315)
Technology	-	-	700,128	1,540,222	-	-	700,128	1,540,222	(700,128)	(1,540,222)
Subtotal General Fund	9,133,049	20,222,324	7,659,272	17,799,285	785,096	2,525,655	8,424,368	20,323,940	708,681	(101,616)
Expenses using reserve funds	-	-	-	-	-	-	-	-	-	-
Total General Fund - Net Result from Operations							8,424,368		708,681	(101,616)
Percentage of Budget	45.16%		43.03%		30.29%		41.45%			
CLE-Seminars and Products	831,729	1,879,500	498,344	1,150,797	73,359	393,776	571,702	1,544,573	260,028	334,927
CLE - Deskbooks	50,199	160,000	93,627	217,303	34,816	69,390	128,443	286,693	(76,244)	(126,693)
Total CLE	881,928	2,039,500	591,971	1,368,100	108,175	463,166	700,145	1,831,266	183,783	208,234
Percentage of Budget	43.24%		43.27%		23.36%		36.23%			
Total All Sections	455,883	544,140	-	-	357,749	841,025	357,749	841,025	98,134	(296,885)
Client Protection Fund-Restricted	1,006,601	992,500	62,655	164,210	56,338	504,000	118,993	668,210	887,608	324,290
Management of Western States Bar Conference (No WSBA Funds)	2,155	68,200	-	-	909	62,800	909	62,800	1,246	5,400
Totals	11,479,616	23,866,664	8,313,897	19,330,595	1,288,267	4,396,646	9,602,164	23,727,241	1,877,452	139,423
Percentage of Budget	48.10%		43.01%		29.30%		40.47%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2018	2019 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	3,227,988	3,552,278	4,115,598
Western States Bar Conference	8,340	13,740	9,585.96
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	604,125	812,359	785,908
Section Funds	1,160,343	863,458	1,258,477
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	450,000	450,000	450,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,845,858	1,744,242	2,554,539
Total General Fund Balance	3,795,858	3,694,242	4,504,539
Net Change in general Fund Balance		(101,616)	708,681
Total Fund Balance	8,796,654	8,936,077	10,874,106
Net Change in Fund Balance		139,423	1,877,452

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2019 to February 28, 2019

41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	15,778,000.00	1,563,220.84	6,634,888.68	9,143,111.32	42.05%
LLLT LICENSE FEES	5,800.00	513.35	2,962.79	2,837.21	51.08%
LPO LICENSE FEES	174,400.00	14,768.46	54,565.46	119,834.54	31.29%
TOTAL REVENUE:	15,958,200.00	1,578,502.65	6,692,416.93	9,265,783.07	41.94%

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
CONFERENCES & INSTITUTES	7,500.00	-	-	7,500.00	0%
TOTAL REVENUE:	7,500.00	-	-	7,500.00	0%
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	-	-	2,000.00	0.00%
ATJ BOARD EXPENSE	24,000.00	1,997.22	6,187.01	17,812.99	25.78%
STAFF TRAVEL/PARKING	3,500.00	-	166.64	3,333.36	4.76%
STAFF MEMBERSHIP DUES	120.00	-	100.00	20.00	83.33%
PUBLIC DEFENSE	7,000.00	610.52	1,347.39	5,652.61	19.25%
CONFERENCE/INSTITUTE EXPENSE	14,837.00	-	-	14,837.00	0.00%
RECEPTION/FORUM EXPENSE	9,500.00	-	-	9,500.00	0.00%
TOTAL DIRECT EXPENSES:	62,957.00	2,607.74	7,801.04	55,155.96	12.39%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	160,817.00	13,430.20	67,776.07	93,040.93	42.14%
BENEFITS EXPENSE	59,156.00	4,696.50	24,091.63	35,064.37	40.73%
OTHER INDIRECT EXPENSE	51,894.00	6,301.35	23,913.16	27,980.84	46.08%
TOTAL INDIRECT EXPENSES:	271,867.00	24,428.05	115,780.86	156,086.14	42.59%
TOTAL ALL EXPENSES:	334,824.00	27,035.79	123,581.90	211,242.10	36.91%
NET INCOME (LOSS):	(327,324.00)	(27,035.79)	(123,581.90)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	70,000.00	24,148.39	56,833.84	13,166.16	81.19%
GAIN/LOSS ON INVESTMENTS	30,000.00	9,416.91	43,828.28	(13,828.28)	146.09%
MISCELLANEOUS	-	(35.00)	-	-	
TOTAL REVENUE:	100,000.00	33,530.30	100,662.12	(662.12)	100.66%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	5,672.28	(7,486.88)	7,486.88	
STAFF TRAVEL/PARKING	4,200.00	350.00	1,750.00	2,450.00	41.67%
STAFF MEMBERSHIP DUES	685.00	-	294.17	390.83	42.94%
MISCELLANEOUS	-	(3,075.85)	-	-	
TOTAL DIRECT EXPENSES:	4,885.00	2,946.43	(5,442.71)	10,327.71	-111.42%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.97 FTE)	700,100.00	62,145.86	299,560.05	400,539.95	42.79%
BENEFITS EXPENSE	241,718.00	19,250.37	98,901.27	142,816.73	40.92%
OTHER INDIRECT EXPENSE	196,951.00	23,936.65	90,837.96	106,113.04	46.12%
TOTAL INDIRECT EXPENSES:	1,138,769.00	105,332.88	489,299.28	649,469.72	42.97%
TOTAL ALL EXPENSES:	1,143,654.00	108,279.31	483,856.57	659,797.43	42.31%
NET INCOME (LOSS):	(1,043,654.00)	(74,749.01)	(383,194.45)		

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2019 to February 28, 2019

41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	-	35,000.00	0.00%
BAR EXAM FEES	1,200,000.00	148,555.00	587,465.00	612,535.00	48.96%
SPECIAL ADMISSIONS	60,000.00	3,100.00	17,220.00	42,780.00	28.70%
LLLT EXAM FEES	7,500.00	-	1,810.00	5,690.00	24.13%
LLLT WAIVER FEES	900.00	-	150.00	750.00	16.67%
LPO EXAMINATION FEES	24,000.00	2,000.00	15,800.00	8,200.00	65.83%
TOTAL REVENUE:	1,327,400.00	153,655.00	622,445.00	704,955.00	46.89%
DIRECT EXPENSES:					
DEPRECIATION	17,776.00	-	-	17,776.00	0.00%
POSTAGE	4,000.00	119.65	1,160.59	2,839.41	29.01%
STAFF TRAVEL/PARKING	13,000.00	1,053.77	2,453.77	10,546.23	18.88%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	2,500.00	(16.44)	249.34	2,250.66	9.97%
FACILITY, PARKING, FOOD	70,000.00	6,250.00	34,115.06	35,884.94	48.74%
EXAMINER FEES	35,000.00	-	10,000.00	25,000.00	28.57%
UBE EXMINATIONS	130,000.00	-	-	130,000.00	0.00%
BOARD OF BAR EXAMINERS	25,000.00	-	61.98	24,938.02	0.25%
BAR EXAM PROCTORS	31,000.00	-	-	31,000.00	0.00%
CHARACTER & FITNESS BOARD	20,000.00	1,575.11	8,869.69	11,130.31	44.35%
DISABILITY ACCOMMODATIONS	20,000.00	-	-	20,000.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	-	900.00	0.00%
LAW SCHOOL VISITS	1,000.00	-	659.12	340.88	65.91%
EXAM WRITING	28,355.00	-	-	28,355.00	0.00%
COURT REPORTERS	18,000.00	1,243.10	6,655.80	11,344.20	36.98%
PRINTING & COPYING	-	101.70	101.70	(101.70)	
TOTAL DIRECT EXPENSES:	416,931.00	10,326.89	64,327.05	352,603.95	15.43%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.30 FTE)	496,503.00	42,801.46	210,676.96	285,826.04	42.43%
BENEFITS EXPENSE	188,862.00	15,085.79	77,037.72	111,824.28	40.79%
OTHER INDIRECT EXPENSE	155,683.00	18,946.29	71,899.89	83,783.11	46.18%
TOTAL INDIRECT EXPENSES:	841,048.00	76,833.54	359,614.57	481,433.43	42.76%
TOTAL ALL EXPENSES:	1,257,979.00	87,160.43	423,941.62	834,037.38	33.70%
NET INCOME (LOSS):	69,421.00	66,494.57	198,503.38		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	5,400.00	450.00	2,250.00	3,150.00	41.67%
STAFF MEMBERSHIP DUES	2,131.00	325.00	925.00	1,206.00	43.41%
TELEPHONE	1,000.00	-	289.87	710.13	28.99%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	60,000.00	-	100.00%
BOG MEETINGS	117,000.00	747.97	12,702.38	104,297.62	10.86%
BOG COMMITTEES' EXPENSES	30,000.00	785.64	8,146.02	21,853.98	27.15%
BOG CONFERENCE ATTENDANCE	49,000.00	2,365.00	9,315.57	39,684.43	19.01%
BOG TRAVEL & OUTREACH	35,000.00	500.00	7,878.84	27,121.16	22.51%
ED TRAVEL & OUTREACH	5,000.00	94.06	1,444.54	3,555.46	28.89%
TOTAL DIRECT EXPENSES:	304,531.00	5,267.67	102,952.22	201,578.78	33.81%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	361,878.00	28,679.64	176,471.48	185,406.52	48.77%
BENEFITS EXPENSE	107,757.00	8,527.33	44,351.87	63,405.13	41.16%
OTHER INDIRECT EXPENSE	60,543.00	7,358.59	27,925.42	32,617.58	46.12%
TOTAL INDIRECT EXPENSES:	530,178.00	44,565.56	248,748.77	281,429.23	46.92%
TOTAL ALL EXPENSES:	834,709.00	49,833.23	351,700.99	483,008.01	42.13%
NET INCOME (LOSS):	(834,709.00)	(49,833.23)	(351,700.99)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
APEX LUNCH/DINNER	50,000.00	-	-	50,000.00	0.00%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	300.00	450.00	40.00%
WSBA LOGO MERCHANDISE SALES	-	-	560.00	(560.00)	
TOTAL REVENUE:	50,750.00	-	860.00	49,890.00	1.69%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	350.00	1,750.00	2,950.00	37.23%
STAFF MEMBERSHIP DUES	1,000.00	-	1,060.00	(60.00)	106.00%
SUBSCRIPTIONS	10,050.00	115.06	455.51	9,594.49	4.53%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	396.36	406.36	1,043.64	28.02%
APEX DINNER	63,000.00	-	6,562.50	56,437.50	10.42%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	8,458.95	(458.95)	105.74%
COMMUNICATIONS OUTREACH	15,000.00	708.53	9,324.09	5,675.91	62.16%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
EQUIPMENT, HARDWARE & SOFTWARE	-	-	384.25	(384.25)	
TELEPHONE	-	26.70	106.74	(106.74)	
CONFERENCE CALLS	-	27.83	34.74	(34.74)	
TOTAL DIRECT EXPENSES:	104,800.00	1,624.48	28,543.14	76,256.86	27.24%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.62 FTE)	312,393.00	24,197.01	139,959.04	172,433.96	44.80%
BENEFITS EXPENSE	124,221.00	8,613.06	49,278.76	74,942.24	39.67%
OTHER INDIRECT EXPENSE	114,168.00	13,871.40	52,641.07	61,526.93	46.11%
TOTAL INDIRECT EXPENSES:	550,782.00	46,681.47	241,878.87	308,903.13	43.92%
TOTAL ALL EXPENSES:	655,582.00	48,305.95	270,422.01	385,159.99	41.25%
NET INCOME (LOSS):	(604,832.00)	(48,305.95)	(269,562.01)		

Washington State Bar Association
 Statement of Activities
 For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TRANSLATION SERVICES	3,500.00	331.80	2,093.50	1,406.50	59.81%
TOTAL DIRECT EXPENSES:	<u>3,500.00</u>	<u>331.80</u>	<u>2,093.50</u>	<u>1,406.50</u>	<u>59.81%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	429,625.00	40,170.13	187,477.00	242,148.00	43.64%
BENEFITS EXPENSE	174,080.00	13,922.98	69,230.48	104,849.52	39.77%
OTHER INDIRECT EXPENSE	<u>176,688.00</u>	<u>21,483.75</u>	<u>81,529.35</u>	<u>95,158.65</u>	<u>46.14%</u>
TOTAL INDIRECT EXPENSES:	<u>780,393.00</u>	<u>75,576.86</u>	<u>338,236.83</u>	<u>442,156.17</u>	<u>43.34%</u>
TOTAL ALL EXPENSES:	<u>783,893.00</u>	<u>75,908.66</u>	<u>340,330.33</u>	<u>443,562.67</u>	<u>43.42%</u>
NET INCOME (LOSS):	<u>(783,893.00)</u>	<u>(75,908.66)</u>	<u>(340,330.33)</u>		

Washington State Bar Association
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For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	3,200.00	300.00	703.75	2,496.25	21.99%
RECOVERY OF DISCIPLINE COSTS	80,000.00	8,891.27	29,567.71	50,432.29	36.96%
DISCIPLINE HISTORY SUMMARY	13,000.00	797.07	6,022.42	6,977.58	46.33%
TOTAL REVENUE:	96,200.00	9,988.34	36,293.88	59,906.12	37.73%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	7,123.00	859.00	4,293.00	2,830.00	60.27%
PUBLICATIONS PRODUCTION	444.00	-	211.25	232.75	47.58%
STAFF TRAVEL/PARKING	35,000.00	2,204.50	12,010.78	22,989.22	34.32%
STAFF MEMBERSHIP DUES	3,900.00	135.05	1,560.05	2,339.95	40.00%
TELEPHONE	2,300.00	186.58	931.88	1,368.12	40.52%
COURT REPORTERS	55,000.00	-	9,651.48	45,348.52	17.55%
OUTSIDE COUNSEL/AIC	2,000.00	37.49	37.49	1,962.51	1.87%
LITIGATION EXPENSES	25,000.00	856.80	7,944.27	17,055.73	31.78%
DISABILITY EXPENSES	7,500.00	-	2,500.00	5,000.00	33.33%
ONLINE LEGAL RESEARCH	68,000.00	5,569.59	22,485.22	45,514.78	33.07%
LAW LIBRARY	12,500.00	-	5,786.13	6,713.87	46.29%
TRANSLATION SERVICES	1,500.00	-	247.89	1,252.11	16.53%
CONFERENCE CALLS	-	-	4.16	(4.16)	
TOTAL DIRECT EXPENSES:	220,267.00	9,849.01	67,663.60	152,603.40	30.72%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.88 FTE)	3,556,329.00	287,150.36	1,475,246.54	2,081,082.46	41.48%
BENEFITS EXPENSE	1,196,316.00	94,202.85	489,420.62	706,895.38	40.91%
OTHER INDIRECT EXPENSE	911,363.00	110,759.77	420,325.86	491,037.14	46.12%
TOTAL INDIRECT EXPENSES:	5,664,008.00	492,112.98	2,384,993.02	3,279,014.98	42.11%
TOTAL ALL EXPENSES:	5,884,275.00	501,961.99	2,452,656.62	3,431,618.38	41.68%
NET INCOME (LOSS):	(5,788,075.00)	(491,973.65)	(2,416,362.74)		

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2019 to February 28, 2019

41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	110,000.00	-	137,500.00	(27,500.00)	125.00%
WORK STUDY GRANTS	10,374.00	1,464.75	2,829.75	7,544.25	27.28%
TOTAL REVENUE:	120,374.00	1,464.75	140,329.75	(19,955.75)	116.58%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	6,000.00	94.59	1,289.04	4,710.96	21.48%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	5,000.00	486.04	2,295.90	2,704.10	45.92%
DIVERSITY EVENTS & PROJECTS	10,000.00	850.01	2,854.43	7,145.57	28.54%
INTERNAL DIVERSITY OUTREACH	200.00	59.99	70.24	129.76	35.12%
TOTAL DIRECT EXPENSE:	21,550.00	1,490.63	6,509.61	15,040.39	30.21%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.05 FTE)	328,835.00	27,459.68	140,142.05	188,692.95	42.62%
BENEFITS EXPENSE	115,724.00	9,229.12	47,305.17	68,418.83	40.88%
OTHER INDIRECT EXPENSE	100,082.00	12,179.75	46,221.40	53,860.60	46.18%
TOTAL INDIRECT EXPENSES:	544,641.00	48,868.55	233,668.62	310,972.38	42.90%
TOTAL ALL EXPENSES:	566,191.00	50,359.18	240,178.23	326,012.77	42.42%
NET INCOME (LOSS):	(445,817.00)	(48,894.43)	(99,848.48)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	2,000.00	1,000.00	66.67%
PRINTING & COPYING	800.00	-	494.90	305.10	61.86%
STAFF TRAVEL/PARKING	1,400.00	-	11.99	1,388.01	0.86%
SUPPLIES	500.00	-	-	500.00	0.00%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	3,000.00	61.22	188.40	2,811.60	6.28%
POSTAGE	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	14,200.00	61.22	2,695.29	11,504.71	18.98%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.15 FTE)	89,538.00	7,515.06	38,160.22	51,377.78	42.62%
BENEFITS EXPENSE	32,707.00	2,582.07	13,309.87	19,397.13	40.69%
OTHER INDIRECT EXPENSE	28,418.00	3,467.83	13,160.22	15,257.78	46.31%
TOTAL INDIRECT EXPENSES:	150,663.00	13,564.96	64,630.31	86,032.69	42.90%
TOTAL ALL EXPENSES:	164,863.00	13,626.18	67,325.60	97,537.40	40.84%
NET INCOME (LOSS):	(164,863.00)	(13,626.18)	(67,325.60)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	150.00	-	220.00	(70.00)	146.67%
STAFF MEMBERSHIP DUES	1,250.00	-	778.00	472.00	62.24%
SUBSCRIPTIONS	2,100.00	-	154.80	1,945.20	7.37%
STAFF TRAINING- GENERAL	30,000.00	550.59	3,164.30	26,835.70	10.55%
RECRUITING AND ADVERTISING	7,000.00	318.56	2,120.76	4,879.24	30.30%
PAYROLL PROCESSING	49,000.00	5,395.05	19,460.03	29,539.97	39.71%
SALARY SURVEYS	2,900.00	-	1,200.10	1,699.90	41.38%
CONSULTING SERVICES	10,000.00	-	-	10,000.00	0.00%
TRANSFER TO INDIRECT EXPENSE	(102,400.00)	(6,264.20)	(27,097.99)	(75,302.01)	26.46%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	260,398.00	20,740.12	106,155.05	154,242.95	40.77%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
BENEFITS EXPENSE	84,017.00	6,681.08	34,452.06	49,564.94	41.01%
OTHER INDIRECT EXPENSE	60,543.00	7,358.62	27,925.41	32,617.59	46.12%
TOTAL INDIRECT EXPENSES:	204,958.00	34,779.82	168,532.52	36,425.48	82.23%
TOTAL ALL EXPENSES:	204,958.00	34,779.82	168,532.52	36,425.48	82.23%
NET INCOME (LOSS):	(204,958.00)	(34,779.82)	(168,532.52)		

Washington State Bar Association
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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	162,000.00	43,714.00	145,616.00	16,384.00	89.89%
LAW CLERK APPLICATION FEES	4,000.00	400.00	1,100.00	2,900.00	27.50%
TOTAL REVENUE:	166,000.00	44,114.00	146,716.00	19,284.00	88.38%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	-	250.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	6,000.00	1,038.70	2,204.24	3,795.76	36.74%
LAW CLERK OUTREACH	5,000.00	-	-	5,000.00	0.00%
TOTAL DIRECT EXPENSES:	11,350.00	1,038.70	2,204.24	9,145.76	19.42%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	84,449.00	7,012.98	35,393.64	49,055.36	41.91%
BENEFITS EXPENSE	31,033.00	2,475.19	12,662.39	18,370.61	40.80%
OTHER INDIRECT EXPENSE	27,183.00	3,298.67	12,518.29	14,664.71	46.05%
TOTAL INDIRECT EXPENSES:	142,665.00	12,786.84	60,574.32	82,090.68	42.46%
TOTAL ALL EXPENSES:	154,015.00	13,825.54	62,778.56	91,236.44	40.76%
NET INCOME (LOSS):	11,985.00	30,288.46	83,937.44		

Washington State Bar Association
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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,550.00	701.48	1,016.36	3,533.64	22.34%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	400.00	-	-	400.00	0.00%
OLYMPIA RENT	2,500.00	207.03	414.06	2,085.94	16.56%
CONTRACT LOBBYIST	5,000.00	1,250.00	2,500.00	2,500.00	50.00%
LOBBYIST CONTACT COSTS	1,000.00	-	-	1,000.00	0.00%
LEGISLATIVE COMMITTEE	2,500.00	121.93	2,099.23	400.77	83.97%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
TOTAL DIRECT EXPENSES:	18,650.00	2,280.44	8,011.45	10,638.55	42.96%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	80,340.00	6,705.76	33,843.65	46,496.35	42.13%
BENEFITS EXPENSE	27,893.00	3,103.69	12,332.43	15,560.57	44.21%
OTHER INDIRECT EXPENSE	27,183.00	3,298.68	12,518.33	14,664.67	46.05%
TOTAL INDIRECT EXPENSES:	135,416.00	13,108.13	58,694.41	76,721.59	43.34%
TOTAL ALL EXPENSES:	154,066.00	15,388.57	66,705.86	87,360.14	43.30%
NET INCOME (LOSS):	(154,066.00)	(15,388.57)	(66,705.86)		

Washington State Bar Association
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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,606.40	7,930.43	14,069.57	36.05%
RULE 9/LEGAL INTERN FEES	11,000.00	450.00	1,900.00	9,100.00	17.27%
INVESTIGATION FEES	22,000.00	1,800.00	13,300.00	8,700.00	60.45%
PRO HAC VICE	230,000.00	27,180.00	132,859.00	97,141.00	57.76%
MEMBER CONTACT INFORMATION	19,000.00	1,358.47	4,754.96	14,245.04	25.03%
PHOTO BAR CARD SALES	350.00	60.00	168.00	182.00	48.00%
TOTAL REVENUE:	304,350.00	32,454.87	160,912.39	143,437.61	52.87%
DIRECT EXPENSES:					
DEPRECIATION	13,812.00	1,151.00	5,753.00	8,059.00	41.65%
POSTAGE	29,000.00	-	5,881.25	23,118.75	20.28%
LICENSING FORMS	3,000.00	-	2,441.11	558.89	81.37%
TOTAL DIRECT EXPENSES:	45,812.00	1,151.00	14,075.36	31,736.64	30.72%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.35 FTE)	395,080.00	34,720.14	167,556.25	227,523.75	42.41%
BENEFITS EXPENSE	133,752.00	10,627.51	54,695.98	79,056.02	40.89%
OTHER INDIRECT EXPENSE	107,495.00	13,067.87	49,591.68	57,903.32	46.13%
TOTAL INDIRECT EXPENSES:	636,327.00	58,415.52	271,843.91	364,483.09	42.72%
TOTAL ALL EXPENSES:	682,139.00	59,566.52	285,919.27	396,219.73	41.92%
NET INCOME (LOSS):	(377,789.00)	(27,111.65)	(125,006.88)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	284.15	366.48	233.52	61.08%
LLLT BOARD	17,000.00	640.59	6,090.53	10,909.47	35.83%
LLLT OUTREACH	8,000.00	3.27	2,356.89	5,643.11	29.46%
TOTAL DIRECT EXPENSES:	25,600.00	928.01	8,813.90	16,786.10	34.43%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.55 FTE)	135,526.00	11,176.24	56,409.04	79,116.96	41.62%
BENEFITS EXPENSE	41,762.00	3,750.27	19,367.50	22,394.50	46.38%
OTHER INDIRECT EXPENSE	38,303.00	4,651.99	17,654.03	20,648.97	46.09%
TOTAL INDIRECT EXPENSES:	215,591.00	19,578.50	93,430.57	122,160.43	43.34%
TOTAL ALL EXPENSES:	241,191.00	20,506.51	102,244.47	138,946.53	42.39%
NET INCOME (LOSS):	(241,191.00)	(20,506.51)	(102,244.47)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
LPO BOARD	3,000.00	78.94	1,351.64	1,648.36	45.05%
TOTAL DIRECT EXPENSES:	<u style="text-align: right;">3,000.00</u>	<u style="text-align: right;">78.94</u>	<u style="text-align: right;">1,351.64</u>	<u style="text-align: right;">1,648.36</u>	<u style="text-align: right;">45.05%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.17 FTE)	99,089.00	8,226.80	41,766.82	57,322.18	42.15%
BENEFITS EXPENSE	40,651.00	2,794.83	14,299.24	26,351.76	35.18%
OTHER INDIRECT EXPENSE	<u>28,913.00</u>	<u>3,510.13</u>	<u>13,320.72</u>	<u>15,592.28</u>	<u>46.07%</u>
TOTAL INDIRECT EXPENSES:	<u style="text-align: right;">168,653.00</u>	<u style="text-align: right;">14,531.76</u>	<u style="text-align: right;">69,386.78</u>	<u style="text-align: right;">99,266.22</u>	<u style="text-align: right;">41.14%</u>
TOTAL ALL EXPENSES:	<u style="text-align: right;">171,653.00</u>	<u style="text-align: right;">14,610.70</u>	<u style="text-align: right;">70,738.42</u>	<u style="text-align: right;">100,914.58</u>	<u style="text-align: right;">41.21%</u>
NET INCOME (LOSS):	<u style="text-align: right;"><u>(171,653.00)</u></u>	<u style="text-align: right;"><u>(14,610.70)</u></u>	<u style="text-align: right;"><u>(70,738.42)</u></u>		

Washington State Bar Association

Statement of Activities

For the Period from February 1, 2019 to February 28, 2019

41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	540,000.00	46,200.00	260,745.00	279,255.00	48.29%
FORM 1 LATE FEES	150,000.00	14,700.00	90,787.50	59,212.50	60.53%
MEMBER LATE FEES	203,000.00	53,200.00	114,450.00	88,550.00	56.38%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	-	43,000.00	-	100.00%
ATTENDANCE LATE FEES	85,000.00	3,100.00	39,380.00	45,620.00	46.33%
COMITY CERTIFICATES	29,000.00	2,225.02	31,675.66	(2,675.66)	109.23%
TOTAL REVENUE:	1,050,000.00	119,425.02	580,038.16	469,961.84	55.24%
DIRECT EXPENSES:					
DEPRECIATION	249,948.00	20,674.00	103,373.00	146,575.00	41.36%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
MCLE BOARD	2,000.00	126.69	528.69	1,471.31	26.43%
TOTAL DIRECT EXPENSES:	252,448.00	20,800.69	103,901.69	148,546.31	41.16%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.90 FTE)	374,898.00	27,374.81	181,335.23	193,562.77	48.37%
BENEFITS EXPENSE	124,996.00	10,006.19	50,986.59	74,009.41	40.79%
OTHER INDIRECT EXPENSE	121,087.00	14,717.22	55,850.86	65,236.14	46.12%
TOTAL INDIRECT EXPENSES:	620,981.00	52,098.22	288,172.68	332,808.32	46.41%
TOTAL ALL EXPENSES:	873,429.00	72,898.91	392,074.37	481,354.63	44.89%
NET INCOME (LOSS):	176,571.00	46,526.11	187,963.79		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	-	3,766.80	6,233.20	37.67%
LAP GROUPS REVENUE	-	-	280.00	(280.00)	
TOTAL REVENUE:	10,000.00	-	4,046.80	5,953.20	40.47%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	225.00	-	-	225.00	0.00%
PROF LIAB INSURANCE	850.00	-	825.00	25.00	97.06%
TOTAL DIRECT EXPENSES:	1,275.00	-	825.00	450.00	64.71%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	84,582.00	7,238.86	36,238.38	48,343.62	42.84%
BENEFITS EXPENSE	34,402.00	2,728.88	13,953.70	20,448.30	40.56%
OTHER INDIRECT EXPENSE	22,240.00	2,706.63	10,271.45	11,968.55	46.18%
TOTAL INDIRECT EXPENSES:	141,224.00	12,674.37	60,463.53	80,760.47	42.81%
TOTAL ALL EXPENSES:	142,499.00	12,674.37	61,288.53	81,210.47	43.01%
NET INCOME (LOSS):	(132,499.00)	(12,674.37)	(57,241.73)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER SERVICES & ENGAGEMENT					
REVENUE:					
ROYALTIES	30,000.00	10,995.56	22,778.47	7,221.53	75.93%
NMP PRODUCT SALES	70,000.00	3,327.00	56,145.64	13,854.36	80.21%
SPONSORSHIPS	1,200.00	-	725.00	475.00	60.42%
SEMINAR REGISTRATIONS	30,000.00	-	-	30,000.00	0.00%
TRIAL ADVOCACY PROGRAM	10,000.00	14,955.00	14,955.00	(4,955.00)	149.55%
TOTAL REVENUE:	141,200.00	29,277.56	94,604.11	46,595.89	67.00%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,500.00	-	193.93	4,306.07	4.31%
SUBSCRIPTIONS	480.00	-	769.60	(289.60)	160.33%
CONFERENCE CALLS	200.00	14.61	14.61	185.39	7.31%
YLL SECTION PROGRAM	1,100.00	-	705.00	395.00	64.09%
WYLC CLE COMPS	1,000.00	-	-	1,000.00	0.00%
WYLC OUTREACH EVENTS	2,500.00	13.27	26.42	2,473.58	1.06%
WYL COMMITTEE	15,000.00	26.66	794.52	14,205.48	5.30%
OPEN SECTIONS NIGHT	4,400.00	2,989.64	2,999.64	1,400.36	68.17%
RURAL PLACEMENT PROGRAM	10,500.00	-	-	10,500.00	0.00%
TRIAL ADVOCACY EXPENSES	2,500.00	1,243.32	1,243.32	1,256.68	49.73%
RECEPTION/FORUM EXPENSE	4,000.00	8.07	2,259.61	1,740.39	56.49%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	-	835.90	1,664.10	33.44%
STAFF MEMBERSHIP DUES	385.00	-	-	385.00	0.00%
LENDING LIBRARY	5,500.00	152.00	1,810.48	3,689.52	32.92%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	87.69	95.46	1,404.54	6.36%
TOTAL DIRECT EXPENSES:	56,065.00	4,535.26	11,748.49	44,316.51	20.96%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.98 FTE)	296,941.00	24,447.17	117,058.32	179,882.68	39.42%
BENEFITS EXPENSE	110,321.00	8,798.48	45,020.37	65,300.63	40.81%
OTHER INDIRECT EXPENSE	98,352.00	11,968.32	45,418.95	52,933.05	46.18%
TOTAL INDIRECT EXPENSES:	505,614.00	45,213.97	207,497.64	298,116.36	41.04%
TOTAL ALL EXPENSES:	561,679.00	49,749.23	219,246.13	342,432.87	39.03%
NET INCOME (LOSS):	(420,479.00)	(20,471.67)	(124,642.02)		

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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
SPONSORSHIPS	8,000.00	-	-	8,000.00	0.00%
INTERNET SALES	9,000.00	147.00	11,074.00	(2,074.00)	123.04%
TOTAL REVENUE:	17,000.00	147.00	11,074.00	5,926.00	65.14%
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	25.80	1,674.20	1.52%
WSBA CONNECTS	46,560.00	-	19,400.00	27,160.00	41.67%
CASEMAKER & FASTCASE	136,336.00	4.95	91,444.95	44,891.05	67.07%
CONFERENCE CALLS	-	128.84	256.53	(256.53)	
TOTAL DIRECT EXPENSES:	185,096.00	133.79	111,127.28	73,968.72	60.04%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.73 FTE)	54,366.00	4,384.94	21,684.88	32,681.12	39.89%
BENEFITS EXPENSE	20,206.00	1,606.51	8,278.72	11,927.28	40.97%
OTHER INDIRECT EXPENSE	18,039.00	2,199.14	8,345.63	9,693.37	46.26%
TOTAL INDIRECT EXPENSES:	92,611.00	8,190.59	38,309.23	54,301.77	41.37%
TOTAL ALL EXPENSES:	277,707.00	8,324.38	149,436.51	128,270.49	53.81%
NET INCOME (LOSS):	(260,707.00)	(8,177.38)	(138,362.51)		

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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,267.59	(1,267.59)	
DISPLAY ADVERTISING	297,500.00	-	26,497.10	271,002.90	8.91%
SUBSCRIPT/SINGLE ISSUES	350.00	-	72.00	278.00	20.57%
CLASSIFIED ADVERTISING	12,500.00	2,070.65	8,830.50	3,669.50	70.64%
GEN ANNOUNCEMENTS	17,500.00	-	364.00	17,136.00	2.08%
PROF ANNOUNCEMENTS	21,000.00	-	1,209.60	19,790.40	5.76%
JOB TARGET ADVERTISING	112,500.00	20,643.30	81,879.09	30,620.91	72.78%
TOTAL REVENUE:	461,350.00	22,713.95	120,119.88	341,230.12	26.04%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	2,000.00	-	(1,950.00)	3,950.00	-97.50%
POSTAGE	89,000.00	-	29,772.65	59,227.35	33.45%
PRINTING, COPYING & MAILING	250,000.00	-	86,649.83	163,350.17	34.66%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	-	2,900.00	7,300.00	28.43%
GRAPHICS/ARTWORK	3,500.00	-	-	3,500.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	28.13	206.40	593.60	25.80%
STAFF MEMBERSHIP DUES	135.00	-	-	135.00	0.00%
SUPPLIES	-	17.79	17.79	(17.79)	
TOTAL DIRECT EXPENSES:	355,635.00	45.92	117,596.67	238,038.33	33.07%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	177,211.00	12,857.90	71,106.63	106,104.37	40.13%
BENEFITS EXPENSE	70,006.00	3,793.25	19,952.44	50,053.56	28.50%
OTHER INDIRECT EXPENSE	55,601.00	6,766.54	25,678.58	29,922.42	46.18%
TOTAL INDIRECT EXPENSES:	302,818.00	23,417.69	116,737.65	186,080.35	38.55%
TOTAL ALL EXPENSES:	658,453.00	23,463.61	234,334.32	424,118.68	35.59%
NET INCOME (LOSS):	(197,103.00)	(749.66)	(114,214.44)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	-	330.00	(330.00)	
TOTAL REVENUE:	-	-	330.00	(330.00)	
DIRECT EXPENSES:					
DEPRECIATION	3,336.00	-	-	3,336.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	-	-	3,240.00	0.00%
STAFF MEMBERSHIP DUES	1,500.00	-	200.00	1,300.00	13.33%
COURT RULES COMMITTEE	2,000.00	258.12	1,487.74	512.26	74.39%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	-	-	500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	-	2,500.00	0.00%
LITIGATION EXPENSES	-	4.95	4.95	(4.95)	
TOTAL DIRECT EXPENSES:	13,076.00	263.07	1,692.69	11,383.31	12.95%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.75 FTE)	588,978.00	38,553.64	205,785.94	383,192.06	34.94%
BENEFITS EXPENSE	197,610.00	11,934.27	76,933.78	120,676.22	38.93%
OTHER INDIRECT EXPENSE	142,092.00	17,296.97	65,640.80	76,451.20	46.20%
TOTAL INDIRECT EXPENSES:	928,680.00	67,784.88	348,360.52	580,319.48	37.51%
TOTAL ALL EXPENSES:	941,756.00	68,047.95	350,053.21	591,702.79	37.17%
NET INCOME (LOSS):	(941,756.00)	(68,047.95)	(349,723.21)		

Washington State Bar Association
Statement of Activities
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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
DISCIPLINARY BOARD EXPENSES	10,000.00	327.11	1,983.29	8,016.71	19.83%
CHIEF HEARING OFFICER	33,000.00	2,500.00	12,500.00	20,500.00	37.88%
HEARING OFFICER EXPENSES	3,000.00	-	110.43	2,889.57	3.68%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,000.00	17,500.00	37,500.00	31.82%
TOTAL DIRECT EXPENSES:	103,500.00	5,827.11	32,093.72	71,406.28	31.01%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.45 FTE)	110,578.00	7,806.54	40,408.04	70,169.96	36.54%
BENEFITS EXPENSE	40,663.00	3,015.42	16,388.41	24,274.59	40.30%
OTHER INDIRECT EXPENSE	35,832.00	4,355.96	16,530.61	19,301.39	46.13%
TOTAL INDIRECT EXPENSES:	187,073.00	15,177.92	73,327.06	113,745.94	39.20%
TOTAL ALL EXPENSES:	290,573.00	21,005.03	105,420.78	185,152.22	36.28%
NET INCOME (LOSS):	(290,573.00)	(21,005.03)	(105,420.78)		

Washington State Bar Association
Statement of Activities
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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	1,400.00	-	-	1,400.00	0.00%
STAFF MEMBERSHIP DUES	1,152.00	-	-	1,152.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	2,448.04	2,448.04	2,051.96	54.40%
ANNUAL CHAIR MEETINGS	600.00	-	496.74	103.26	82.79%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	106.40	2,082.50	2,417.50	46.28%
BOG ELECTIONS	6,500.00	-	-	6,500.00	0.00%
BAR OUTREACH	10,000.00	222.85	663.12	9,336.88	6.63%
PROFESSIONALISM	2,000.00	-	-	2,000.00	0.00%
TOTAL DIRECT EXPENSES:	30,852.00	2,777.29	5,690.40	25,161.60	18.44%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.73 FTE)	224,397.00	18,729.30	94,377.85	130,019.15	42.06%
BENEFITS EXPENSE	79,186.00	6,744.39	32,823.55	46,362.45	41.45%
OTHER INDIRECT EXPENSE	67,463.00	8,204.44	31,135.25	36,327.75	46.15%
TOTAL INDIRECT EXPENSES:	371,046.00	33,678.13	158,336.65	212,709.35	42.67%
TOTAL ALL EXPENSES:	401,898.00	36,455.42	164,027.05	237,870.95	40.81%
NET INCOME (LOSS):	(401,898.00)	(36,455.42)	(164,027.05)		

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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
PRACTICE OF LAW BOARD	16,000.00	1,173.55	4,279.33	11,720.67	26.75%
TOTAL DIRECT EXPENSES:	16,000.00	1,173.55	4,279.33	11,720.67	26.75%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	50,676.00	1,802.08	9,202.29	41,473.71	18.16%
BENEFITS EXPENSE	13,502.00	874.09	5,600.85	7,901.15	41.48%
OTHER INDIRECT EXPENSE	9,885.00	1,184.14	4,493.76	5,391.24	45.46%
TOTAL INDIRECT EXPENSES:	74,063.00	3,860.31	19,296.90	54,766.10	26.05%
TOTAL ALL EXPENSES:	90,063.00	5,033.86	23,576.23	66,486.77	26.18%
NET INCOME (LOSS):	(90,063.00)	(5,033.86)	(23,576.23)		

Washington State Bar Association

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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	331.20	1,300.97	699.03	65.05%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,200.00	476.36	2,169.53	2,030.47	51.66%
TOTAL DIRECT EXPENSES:	6,700.00	807.56	3,470.50	3,229.50	51.80%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.65 FTE)	160,192.00	13,395.14	67,596.75	92,595.25	42.20%
BENEFITS EXPENSE	57,904.00	4,607.52	23,655.37	34,248.63	40.85%
OTHER INDIRECT EXPENSE	40,774.00	4,948.01	18,777.39	21,996.61	46.05%
TOTAL INDIRECT EXPENSES:	258,870.00	22,950.67	110,029.51	148,840.49	42.50%
TOTAL ALL EXPENSES:	265,570.00	23,758.23	113,500.01	152,069.99	42.74%
NET INCOME (LOSS):	(265,570.00)	(23,758.23)	(113,500.01)		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	110,000.00	-	137,500.00	(27,500.00)	125.00%
PSP PRODUCT SALES	2,000.00	157.00	1,619.00	381.00	80.95%
TOTAL REVENUE:	112,000.00	157.00	139,119.00	(27,119.00)	124.21%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	-	48,999.58	158,915.42	23.57%
STAFF TRAVEL/PARKING	2,000.00	-	89.85	1,910.15	4.49%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	150.98	700.14	1,299.86	35.01%
PUBLIC SERVICE EVENTS AND PROJECTS	20,500.00	-	162.27	20,337.73	0.79%
TOTAL DIRECT EXPENSES:	232,415.00	150.98	49,951.84	182,463.16	21.49%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.03 FTE)	87,057.00	6,045.60	28,935.27	58,121.73	33.24%
BENEFITS EXPENSE	29,994.00	2,393.29	12,247.55	17,746.45	40.83%
OTHER INDIRECT EXPENSE	25,453.00	3,087.25	11,715.91	13,737.09	46.03%
TOTAL INDIRECT EXPENSES:	142,504.00	11,526.14	52,898.73	89,605.27	37.12%
TOTAL ALL EXPENSES:	374,919.00	11,677.12	102,850.57	272,068.43	27.43%
NET INCOME (LOSS):	(262,919.00)	(11,520.12)	36,268.43		

Washington State Bar Association

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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:	_____	_____	_____	_____	_____
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
SUBSCRIPTIONS	83.00	-	79.98	3.02	96.36%
IMAGE LIBRARY	4,680.00	-	4,200.00	480.00	89.74%
TOTAL DIRECT EXPENSES:	5,263.00	-	4,279.98	983.02	81.32%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.22 FTE)	80,074.00	7,263.23	38,916.77	41,157.23	48.60%
BENEFITS EXPENSE	31,380.00	2,455.05	12,528.79	18,851.21	39.93%
OTHER INDIRECT EXPENSE	30,148.00	3,679.28	13,962.65	16,185.35	46.31%
TOTAL INDIRECT EXPENSES:	141,602.00	13,397.56	65,408.21	76,193.79	46.19%
TOTAL ALL EXPENSES:	146,865.00	13,397.56	69,688.19	77,176.81	47.45%
NET INCOME (LOSS):	(146,865.00)	(13,397.56)	(69,688.19)		

Washington State Bar Association

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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	300,000.00	24,675.00	283,081.25	16,918.75	94.36%
TOTAL REVENUE:	300,000.00	24,675.00	283,081.25	16,918.75	94.36%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	110.61	432.51	767.49	36.04%
SUBSCRIPTIONS	372.00	-	372.00	-	100.00%
CONFERENCE CALLS	300.00	10.09	88.79	211.21	29.60%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	360.87	639.13	36.09%
DUES STATEMENTS	6,000.00	-	5,585.18	414.82	93.09%
STAFF MEMBERSHIP DUES	125.00	-	-	125.00	0.00%
TOTAL DIRECT EXPENSES:	9,297.00	120.70	6,839.35	2,457.65	73.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.25 FTE)	297,955.00	24,148.26	126,846.90	171,108.10	42.57%
BENEFITS EXPENSE	112,039.00	8,941.38	45,677.19	66,361.81	40.77%
OTHER INDIRECT EXPENSE	105,024.00	12,771.85	48,468.26	56,555.74	46.15%
TOTAL INDIRECT EXPENSES:	515,018.00	45,861.49	220,992.35	294,025.65	42.91%
TOTAL ALL EXPENSES:	524,315.00	45,982.19	227,831.70	296,483.30	43.45%
NET INCOME (LOSS):	(224,315.00)	(21,307.19)	55,249.55		

Washington State Bar Association

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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	85,000.00	2,866.03	33,970.33	51,029.67	39.97%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,692.18	7,734.24	16,265.76	32.23%
COMPUTER HARDWARE	29,000.00	1,320.59	4,780.72	24,219.28	16.49%
COMPUTER SOFTWARE	29,000.00	8,318.32	9,053.15	19,946.85	31.22%
HARDWARE SERVICE & WARRANTIES	60,000.00	-	29,059.65	30,940.35	48.43%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	1,045.13	108,790.00	161,210.00	40.29%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	-	137.35	9,862.65	1.37%
COMPUTER SUPPLIES	15,000.00	81.39	5,479.72	9,520.28	36.53%
THIRD PARTY SERVICES	143,000.00	33,172.35	105,182.25	37,817.75	73.55%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(48,495.99)	(304,187.41)	(363,422.59)	45.56%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,059,680.00	90,566.32	459,649.71	600,030.29	43.38%
BENEFITS EXPENSE	370,332.00	27,651.94	147,112.83	223,219.17	39.72%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(5,575.44)	(44,657.13)	(144,142.87)	23.65%
OTHER INDIRECT EXPENSE	299,010.00	36,370.14	138,022.22	160,987.78	46.16%
TOTAL INDIRECT EXPENSES:	1,540,222.00	149,012.96	700,127.63	840,094.37	45.46%
TOTAL ALL EXPENSES:	1,540,222.00	149,012.96	700,127.63	840,094.37	45.46%
NET INCOME (LOSS):	(1,540,222.00)	(149,012.96)	(700,127.63)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	876,000.00	2,252.50	247,974.75	628,025.25	28.31%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	-	500.00	41,000.00	1.20%
SHIPPING & HANDLING	1,000.00	18.00	196.68	803.32	19.67%
COURSEBOOK SALES	11,000.00	165.00	5,131.00	5,869.00	46.65%
MP3 AND VIDEO SALES	950,000.00	24,506.00	577,926.10	372,073.90	60.83%
TOTAL REVENUE:	1,879,500.00	26,941.50	831,728.53	1,047,771.47	44.25%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	3,000.00	6.78	190.29	2,809.71	6.34%
POSTAGE - FLIERS/CATALOGS	10,685.00	-	1,859.86	8,825.14	17.41%
POSTAGE - MISC./DELIVERY	2,500.00	35.00	175.00	2,325.00	7.00%
DEPRECIATION	5,540.00	376.00	2,906.12	2,633.88	52.46%
ONLINE EXPENSES	40,000.00	3,699.53	18,609.61	21,390.39	46.52%
ACCREDITATION FEES	4,696.00	(36.00)	2,098.00	2,598.00	44.68%
SEMINAR BROCHURES	20,770.00	-	4,328.29	16,441.71	20.84%
FACILITIES	223,500.00	4,500.00	32,330.10	191,169.90	14.47%
SPEAKERS & PROGRAM DEVELOP	68,100.00	876.46	9,267.97	58,832.03	13.61%
CLE SEMINAR COMMITTEE	500.00	54.54	92.39	407.61	18.48%
BAD DEBT EXPENSE	600.00	-	(523.00)	1,123.00	-87.17%
STAFF TRAVEL/PARKING	5,675.00	-	190.60	5,484.40	3.36%
STAFF MEMBERSHIP DUES	1,260.00	-	1,007.00	253.00	79.92%
SUPPLIES	3,650.00	-	186.17	3,463.83	5.10%
TELEPHONE	-	-	13.88	(13.88)	
COST OF SALES - COURSEBOOKS	1,200.00	12.34	439.91	760.09	36.66%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	26.15	186.76	313.24	37.35%
TOTAL DIRECT EXPENSES:	393,776.00	9,550.80	73,358.95	320,417.05	18.63%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.72 FTE)	656,422.00	56,995.63	283,916.62	372,505.38	43.25%
BENEFITS EXPENSE	254,178.00	20,304.40	103,527.65	150,650.35	40.73%
OTHER INDIRECT EXPENSE	240,197.00	29,223.00	110,899.23	129,297.77	46.17%
TOTAL INDIRECT EXPENSES:	1,150,797.00	106,523.03	498,343.50	652,453.50	43.30%
TOTAL ALL EXPENSES:	1,544,573.00	116,073.83	571,702.45	972,870.55	37.01%
NET INCOME (LOSS):	334,927.00	(89,132.33)	260,026.08		

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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	2,000.00	108.00	1,126.32	873.68	56.32%
DESKBOOK SALES	80,000.00	3,125.00	33,816.40	46,183.60	42.27%
SECTION PUBLICATION SALES	3,000.00	225.00	1,800.00	1,200.00	60.00%
CASEMAKER ROYALTIES	75,000.00	2,308.49	13,456.73	61,543.27	17.94%
TOTAL REVENUE:	160,000.00	5,766.49	50,199.45	109,800.55	31.37%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	50,000.00	2,219.60	26,606.18	23,393.82	53.21%
COST OF SALES - SECTION PUBLICATION	750.00	39.02	351.18	398.82	46.82%
SPLITS TO SECTIONS	1,000.00	-	398.60	601.40	39.86%
DESKBOOK ROYALTIES	1,000.00	322.42	659.92	340.08	65.99%
SHIPPING SUPPLIES	150.00	-	-	150.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	2,000.00	731.63	2,900.82	(900.82)	145.04%
FLIERS/CATALOGS	3,000.00	-	-	3,000.00	0.00%
POSTAGE - FLIERS/CATALOGS	1,500.00	-	-	1,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	411.54	1,588.46	20.58%
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	675.00	3,320.00	4,120.00	44.62%
STAFF MEMBERSHIP DUES	250.00	-	168.00	82.00	67.20%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	69,390.00	3,987.67	34,816.24	34,573.76	50.17%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.05 FTE)	117,663.00	9,822.92	50,270.36	67,392.64	42.72%
BENEFITS EXPENSE	48,981.00	3,945.43	19,924.68	29,056.32	40.68%
OTHER INDIRECT EXPENSE	50,659.00	6,174.46	23,431.71	27,227.29	46.25%
TOTAL INDIRECT EXPENSES:	217,303.00	19,942.81	93,626.75	123,676.25	43.09%
TOTAL ALL EXPENSES:	286,693.00	23,930.48	128,442.99	158,250.01	44.80%
NET INCOME (LOSS):	(126,693.00)	(18,163.99)	(78,243.54)		

Washington State Bar Association

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41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	241.70	1,599.45	1,400.55	53.32%
CPF MEMBER ASSESSMENTS	982,000.00	83,160.00	978,000.00	4,000.00	99.59%
INTEREST INCOME	7,500.00	7,147.12	27,001.53	(19,501.53)	360.02%
TOTAL REVENUE:	992,500.00	90,548.82	1,006,600.98	(14,100.98)	101.42%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(39.86)	(196.55)	1,196.55	-19.66%
GIFTS TO INJURED CLIENTS	500,000.00	-	56,200.00	443,800.00	11.24%
CPF BOARD EXPENSES	3,000.00	-	334.31	2,665.69	11.14%
TOTAL DIRECT EXPENSES:	504,000.00	(39.86)	56,337.76	447,662.24	11.18%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	97,740.00	6,735.72	34,058.28	63,681.72	34.85%
BENEFITS EXPENSE	35,581.00	2,617.81	14,312.80	21,268.20	40.23%
OTHER INDIRECT EXPENSE	30,889.00	3,763.91	14,283.70	16,605.30	46.24%
TOTAL INDIRECT EXPENSES:	164,210.00	13,117.44	62,654.78	101,555.22	38.16%
TOTAL ALL EXPENSES:	668,210.00	13,077.58	118,992.54	549,217.46	17.81%
NET INCOME (LOSS):	324,290.00	77,471.24	887,608.44		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)					
REVENUE:					
REGISTRATION REVENUE	33,000.00	(500.00)	(500.00)	33,500.00	-1.52%
OTHER ACTIVITIES REGISTRATION REVENUE	20,000.00	(145.00)	(145.00)	20,145.00	-0.73%
WESTERN STATES BAR MEMBERSHIP DUES	3,200.00	400.00	2,800.00	400.00	87.50%
SPONSORSHIPS	12,000.00	-	-	12,000.00	0.00%
TOTAL REVENUE:	68,200.00	(245.00)	2,155.00	66,045.00	3.16%
DIRECT EXPENSES:					
FACILITIES	55,000.00	-	-	55,000.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	-	1,000.00	0.00%
BANK FEES	-	-	1.00	(1.00)	
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	3,500.00	-	78.15	3,421.85	2.23%
MARKETING EXPENSE	800.00	-	52.04	747.96	6.51%
STAFF TRAVEL/PARKING	2,000.00	-	777.87	1,222.13	38.89%
TOTAL DIRECT EXPENSES:	62,800.00	-	909.06	61,890.94	1.45%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	62,800.00	-	909.06	61,890.94	1.45%
NET INCOME (LOSS):	5,400.00	(245.00)	1,245.94		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	472,490.00	37,736.12	429,384.37	43,105.63	90.88%
SEMINAR PROFIT SHARE	15,000.00	-	7,034.41	7,965.59	46.90%
INTEREST INCOME	1,900.00	-	-	1,900.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	2,432.73	1,567.27	60.82%
OTHER	50,750.00	4,548.00	17,031.75	33,718.25	33.56%
TOTAL REVENUE:	544,140.00	42,284.12	455,883.26	88,256.74	83.78%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	531,505.00	3,881.68	74,667.78	456,837.22	14.05%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	309,019.50	24,675.00	283,081.25	25,938.25	91.61%
TOTAL DIRECT EXPENSES:	840,524.50	28,556.68	357,749.03	482,775.47	42.56%
NET INCOME (LOSS):	(296,384.50)	13,727.44	98,134.23		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,868,980.00	970,777.97	4,931,608.96	6,937,371.04	41.55%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
TEMPORARY SALARIES	141,330.00	9,521.53	112,373.12	28,956.88	79.51%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(5,575.44)	(44,657.13)	(144,142.87)	23.65%
EMPLOYEE ASSISTANCE PLAN	4,800.00	1,200.00	2,400.00	2,400.00	50.00%
EMPLOYEE SERVICE AWARDS	2,230.00	-	1,392.60	837.40	62.45%
FICA (EMPLOYER PORTION)	879,000.00	72,665.18	345,862.10	533,137.90	39.35%
L&I INSURANCE	47,250.00	-	9,668.59	37,581.41	20.46%
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER PORTION)	-	1,419.15	2,896.04	(2,896.04)	
MEDICAL (EMPLOYER PORTION)	1,590,000.00	121,621.33	605,891.86	984,108.14	38.11%
RETIREMENT (EMPLOYER PORTION)	1,494,000.00	121,524.75	610,880.44	883,119.56	40.89%
TRANSPORTATION ALLOWANCE	119,250.00	425.00	106,398.20	12,851.80	89.22%
UNEMPLOYMENT INSURANCE	87,500.00	9,105.53	24,272.43	63,227.57	27.74%
STAFF DEVELOPMENT-GENERAL	6,900.00	-	469.79	6,430.21	6.81%
TOTAL SALARY & BENEFITS EXPENSE:	15,852,440.00	1,302,685.00	6,709,457.00	9,142,983.00	42.32%
WORKPLACE BENEFITS	39,000.00	4,621.66	13,879.16	25,120.84	35.59%
HUMAN RESOURCES POOLED EXP	102,400.00	6,264.20	27,097.99	75,302.01	26.46%
MEETING SUPPORT EXPENSES	12,500.00	725.96	5,129.36	7,370.64	41.03%
RENT	1,802,000.00	258,165.51	850,008.95	951,991.05	47.17%
PERSONAL PROP TAXES-WSBA	14,000.00	900.84	6,643.46	7,356.54	47.45%
FURNITURE, MAINT, LH IMP	35,200.00	-	9,264.99	25,935.01	26.32%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	10,371.47	28,620.29	17,379.71	62.22%
FURN & OFFICE EQUIP DEPRECIATION	51,300.00	3,435.00	17,703.78	33,596.22	34.51%
COMPUTER HARDWARE DEPRECIATION	51,800.00	3,451.00	17,263.00	34,537.00	33.33%
COMPUTER SOFTWARE DEPRECIATION	162,700.00	9,311.00	47,006.00	115,694.00	28.89%
INSURANCE	143,000.00	11,916.18	59,580.90	83,419.10	41.66%
PROFESSIONAL FEES-AUDIT	35,000.00	-	31,669.20	3,330.80	90.48%
PROFESSIONAL FEES-LEGAL	50,000.00	49,310.58	87,546.73	(37,546.73)	175.09%
TELEPHONE & INTERNET	47,000.00	3,492.55	18,322.12	28,677.88	38.98%
POSTAGE - GENERAL	36,000.00	747.29	10,340.97	25,659.03	28.72%
RECORDS STORAGE	40,000.00	4,390.08	21,276.78	18,723.22	53.19%
STAFF TRAINING	95,245.00	4,214.07	29,652.89	65,592.11	31.13%
BANK FEES	35,400.00	3,086.89	16,716.48	18,683.52	47.22%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	8.33	2,529.50	9,470.50	21.08%
COMPUTER POOLED EXPENSES	667,610.00	48,495.99	304,187.41	363,422.59	45.56%
TOTAL OTHER INDIRECT EXPENSES:	3,478,155.00	422,908.60	1,604,439.96	1,873,715.04	46.13%
TOTAL INDIRECT EXPENSES:	19,330,595.00	1,725,593.60	8,313,896.96		

Washington State Bar Association
Statement of Activities
For the Period from February 1, 2019 to February 28, 2019
41.67% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,958,200.00	1,578,502.65	6,692,416.93	9,265,783.07
ACCESS TO JUSTICE	(327,324.00)	(27,035.79)	(123,581.90)	(203,742.10)
ADMINISTRATION	(1,043,654.00)	(74,749.01)	(383,194.45)	(660,459.55)
ADMISSIONS/BAR EXAM	69,421.00	66,494.57	198,503.38	(129,082.38)
BOARD OF GOVERNORS	(834,709.00)	(49,833.23)	(351,700.99)	(483,008.01)
COMMUNICATIONS	(604,832.00)	(48,305.95)	(269,562.01)	(335,269.99)
CONFERENCE & BROADCAST SERVICES	(783,893.00)	(75,908.66)	(340,330.33)	(443,562.67)
DISCIPLINE	(5,788,075.00)	(491,973.65)	(2,416,362.74)	(3,371,712.26)
DIVERSITY	(445,817.00)	(48,894.43)	(99,848.48)	(345,968.52)
FOUNDATION	(164,863.00)	(13,626.18)	(67,325.60)	(97,537.40)
HUMAN RESOURCES	(204,958.00)	(34,779.82)	(168,532.52)	(36,425.48)
LAP	(132,499.00)	(12,674.37)	(57,241.73)	(75,257.27)
LEGISLATIVE	(154,066.00)	(15,388.57)	(66,705.86)	(87,360.14)
LICENSING AND MEMBERSHIP	(377,789.00)	(27,111.65)	(125,006.88)	(252,782.12)
LIMITED LICENSE LEGAL TECHNICIAN	(241,191.00)	(20,506.51)	(102,244.47)	(138,946.53)
LIMITED PRACTICE OFFICERS	(171,653.00)	(14,610.70)	(70,738.42)	(100,914.58)
MANDATORY CLE ADMINISTRATION	176,571.00	46,526.11	187,963.79	(11,392.79)
MEMBER BENEFITS	(260,707.00)	(8,177.38)	(138,362.51)	(122,344.49)
MEMBER SERVICES & ENGAGEMENT	(420,479.00)	(20,471.67)	(124,642.02)	(295,836.98)
NW LAWYER	(197,103.00)	(749.66)	(114,214.44)	(82,888.56)
OFFICE OF GENERAL COUNSEL	(941,756.00)	(68,047.95)	(349,723.21)	(592,032.79)
OGC-DISCIPLINARY BOARD	(290,573.00)	(21,005.03)	(105,420.78)	(185,152.22)
OUTREACH & ENGAGEMENT	(401,898.00)	(36,455.42)	(164,027.05)	(237,870.95)
PRACTICE OF LAW BOARD	(90,063.00)	(5,033.86)	(23,576.23)	(66,486.77)
PROFESSIONAL RESPONSIBILITY PROGRAM	(265,570.00)	(23,758.23)	(113,500.01)	(152,069.99)
PUBLICATION & DESIGN SERVICES	(146,865.00)	(13,397.56)	(69,688.19)	(77,176.81)
PUBLIC SERVICE PROGRAMS	(262,919.00)	(11,520.12)	36,268.43	(299,187.43)
LAW CLERK PROGRAM	11,985.00	30,288.46	83,937.44	(71,952.44)
SECTIONS ADMINISTRATION	(224,315.00)	(21,307.19)	55,249.55	(279,564.55)
TECHNOLOGY	(1,540,222.00)	(149,012.96)	(700,127.63)	(840,094.37)
CLE - PRODUCTS	733,919.00	4,550.80	482,181.36	251,737.64
CLE - SEMINARS	(398,992.00)	(93,683.13)	(222,155.28)	(176,836.72)
SECTIONS OPERATIONS	(296,384.50)	13,727.44	98,134.23	(394,518.73)
DESKBOOKS	(126,693.00)	(18,163.99)	(78,243.54)	(48,449.46)
CLIENT PROTECTION FUND	324,290.00	77,471.24	887,608.44	(563,318.44)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	5,400.00	(245.00)	1,245.94	4,154.06
INDIRECT EXPENSES	(19,330,595.00)	(1,725,593.60)	(8,313,896.96)	(11,016,698.04)
TOTAL OF ALL	19,190,671.50	1,354,460.00	6,436,444.74	12,754,226.76
NET INCOME (LOSS)	139,923.50	371,133.60	1,877,452.22	

**Washington State Bar Association
Analysis of Cash Investments
As of February 28, 2019**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 1,070,328

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.48%	\$ 9,912,767
UBS Financial Money Market	2.48%	\$ 581,355
Morgan Stanley Money Market	2.37%	\$ 26,382
Merrill Lynch Money Market	2.49%	\$ 1,932,219
Long Term Investments	Varies	\$ 3,313,836
Short Term Investments	Varies	\$ 2,480,000

General Fund Total \$ 19,316,887

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 1,040,581

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.48%	\$ 3,312,617
Morgan Stanley Money Market	2.10%	\$ 104,940
Wells Fargo Investments	Varies	\$ -

Client Protection Fund Total \$ 4,458,139

Grand Total Cash & Investments \$ 23,775,025

**Washington State Bar Association
Analysis of Cash Investments
As of February 28, 2019**

Long Term Investments- General Fund

<u>UBS Financial Long Term Investments</u>	<u>Value as of 2/28/2019</u>
Nuveen 3-7 year Municipal Bond Portfolio	\$ 315,730.24

<u>Morgan Stanley Long Term Investments</u>	<u>Value as of 2/28/2019</u>
Lord Abbett Short Term Duration Income Fund	\$ 802,658.33
Guggenheim Total Return Bond Fund	\$ 1,105,168.96
Virtus Multi-Sector Short Term Bond Fund	\$ 1,090,278.86
	\$ 2,998,106.15

Total Long Term Investments- General Fund 3,313,836.39

Short Term Investments- General Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Amount</u>
Radius Bank	2.30%	2.30%	4 months	5/31/2019	250,000.00
City National Bank	2.40%	2.40%	6 months	7/18/2019	240,000.00
Bank of Baroda	2.30%	2.30%	6 months	7/30/2019	250,000.00
Valley National Bank	2.30%	2.30%	6 months	7/30/2019	250,000.00
Old National Bank	2.35%	2.35%	6 months	8/15/2019	250,000.00
Umpqua Bank	2.50%	2.50%	8 months	9/23/2019	250,000.00
Bank of NY Mellon	2.45%	2.45%	9 months	10/15/2019	250,000.00
UBS Bank	2.50%	2.50%	9 months	10/16/2019	240,000.00
Investors Bank	2.55%	2.55%	9 months	10/18/2019	250,000.00
US Bank National Association	2.45%	2.45%	9 months	11/6/2019	250,000.00

Total Short Term Investments- General Fund 2,480,000.00

Client Protection Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
					Total CPF <u><u>-</u></u>

WASHINGTON STATE
BAR ASSOCIATION

Financial Reports

(Unaudited)

Year to Date March 31, 2019

Prepared by Tiffany Lynch, Associate Director for Finance

Submitted by

Ann Holmes, Chief Operations Officer

April 16, 2019

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associate Director for Finance

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through March 31, 2019

Date: April 15, 2019

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	50.00%	50.29%/51.95% ²	\$34,701/\$226,076 ² (Over budget)	51.43%	Slightly higher due to timing of expenses, expected to be on budget
Benefits	50.00%	48.29%	\$72,236 (Under budget)	49.72%	Expected to be on budget
Other Indirect Expenses	50.00%	53.99%	\$138,630 (Over budget)	45.73%	Higher due to unanticipated expenses, expected to be over budget
Total Indirect Expenses	50.00%	51.51%	\$292,470 (Over budget)	50.01%	Expected to be on or slightly over budget

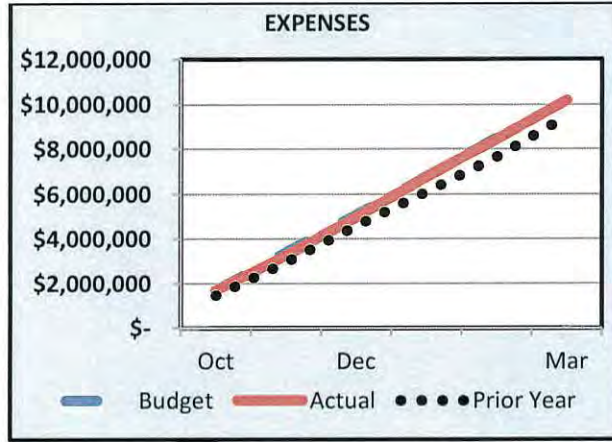
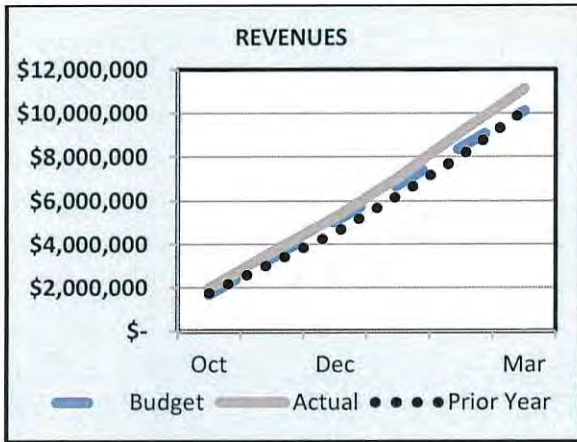
General Fund Revenues	50.00%	54.98%	\$1,006,349 (Over budget)	55.75%	Expected to be on or slightly over budget
General Fund Direct Expenses	50.00%	39.19%	\$273,016 (Under budget)	38.70%	Expected to be on or slightly under budget

CLE Revenue	50.00%	46.91%	\$63,063 (Under budget)	41.99%	Expected to be on budget
CLE Direct Expenses	50.00%	30.51%	\$90,258 (Under budget)	30.41%	Expected to be on budget
CLE Indirect Expenses	50.00%	51.33%	\$18,132 (Over budget)	48.52%	Expected to be on budget

¹ Dollar difference is calculated based on pro-rated budget figures (total annual budget figures divided by 12 months) minus actual revenue and expense amounts as of March 31, 2019 (6 months into the fiscal year).

² The first figure represents salaries expense for regular employees. The second figure represents salaries expense for regular and temporary staff with offsets from allowance for open positions and capital labor & overhead.

GENERAL FUND (Supports regulatory functions and most services to members and the public)



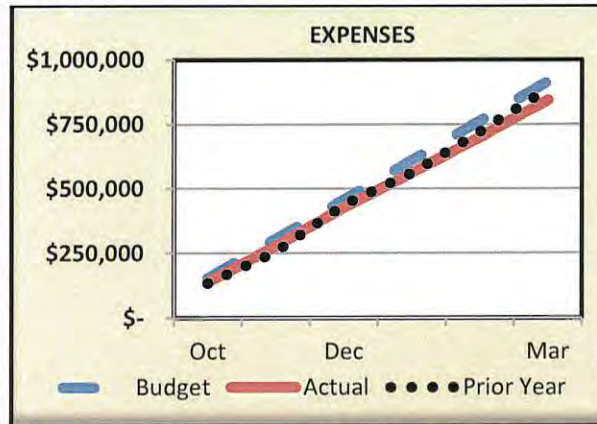
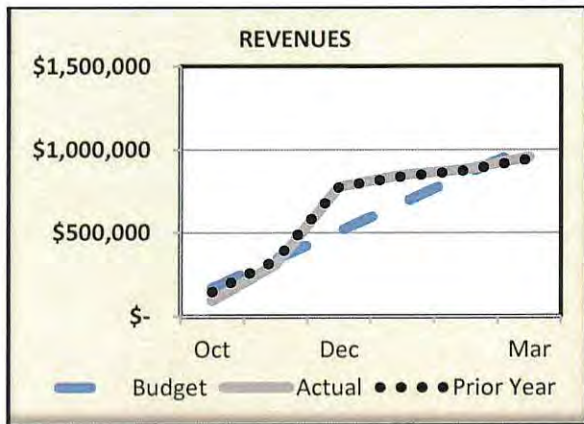
REVENUES: Revenues collected through March mainly consist of license fees, bar exam admissions, donation from the WSB Foundation, Section Per-Member Charge, and fees for Law Clerk, Pro Hac Vice, and MCLE. Overall revenue is over budget at **54.98%** mainly due to higher than budgeted license fees and timing of collection for the remaining revenue sources.

EXPENSES: Indirect expenses (salaries, benefits, overhead) are higher than budget at **51.58%** due to a number of higher than budgeted expenses. Direct expenses are currently under budget at **39.19%** due to timing of activities required for spending.

PROJECTED NET RESULT: It is still early in the year to project net results, however at this point we expect the General Fund to come in on budget at year-end.

	<u>FY19 Budget</u>	<u>FY19 Actuals</u>	<u>Variance</u>
Revenues	\$10,111,162	\$11,117,511	\$1,006,349
Expenses	\$10,161,970	\$10,170,505	(\$8,535)
Profit/(Loss)	(\$50,808)	\$947,006	\$997,814

CLE FUND



REVENUES: Actual revenue is lower than budget at **46.91%** due to lower seminar registrations however this is consistent with historical CLE revenue collections. We expect registration revenue to come in line with budget in the second half of the year.

EXPENSES: Indirect expenses are slightly over budget at **51.33%**. Direct expenses are lower than budget at **30.51%** however, consistent with revenue trends, these expenses will pick up as programs are held during the second half of the year.

PROJECTED NET RESULT: At this point the CLE fund is following historical trends as anticipated so we expect the Fund to come in on budget at year-end.

	<u>FY19 Budget</u>	<u>FY19 Actuals</u>	<u>Variance</u>
Revenues	\$1,019,750	\$956,687	(\$63,063)
Expenses	\$915,633	\$843,507	\$72,126
Profit/(Loss)	\$104,117	\$113,180	\$9,063

CLIENT PROTECTION FUND

REVENUES: Actual revenues are over budget at **103.70%** due to the typical collection of member assessments in January and February with license fees, as well as higher than expected interest income.

EXPENSES: Actual expenses are under budget at **39.28%** due to timing of payments for gifts to injured clients which typically occur at the end of the fiscal year.

PROJECTED NET RESULT: At this point we expect the CPF fund to come in on budget but we will have a better idea of the potential total of gifts to injured clients as we get into the third quarter.

SECTIONS OPERATIONS

REVENUES: Actual revenues are higher than budget at **85.25%** however the majority of revenue from section dues is received during January and February. We expect there to be some remaining revenue during the summer months when members tend to renew their memberships when attending midyear CLE programs.

EXPENSES: Actual expenses are slightly under budget at **45.23%** due to the timing of activities required for spending.

PROJECTED NET RESULT: Expenses for sections will pick up in the second half of the year but we expect the Sections fund to come in on or under budget.

Washington State Bar Association Financial Summary
Year to Date as of February 28, 2019 41.67% of Year
Compared to Fiscal Year 2019 Budget

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	-	7,500	138,440	271,867	8,800	62,957	147,241	334,824	(147,241)	(327,324)
Administration	163,512	100,000	589,701	1,138,769	(1,396)	4,885	588,305	1,143,654	(424,794)	(1,043,654)
Admissions/Bar Exam	893,920	1,327,400	429,567	841,048	152,815	416,931	582,382	1,257,979	311,538	69,421
Board of Governors	-	-	317,240	530,178	135,365	304,531	452,605	834,709	(452,605)	(834,709)
Communications Strategies	860	50,750	287,676	550,782	35,970	104,800	323,646	655,582	(322,786)	(604,832)
Conference & Broadcast Services	-	-	403,767	780,393	2,773	3,500	406,540	783,893	(406,540)	(783,893)
Discipline	39,588	96,200	2,855,934	5,664,008	79,825	220,267	2,935,759	5,884,275	(2,896,171)	(5,788,075)
Diversity	140,330	120,374	279,609	544,641	7,548	21,550	287,216	566,191	(146,887)	(445,817)
Foundation	-	-	78,572	150,663	2,695	14,200	81,267	164,863	(81,267)	(164,863)
Human Resources	-	-	201,068	204,958	-	-	201,068	204,958	(201,068)	(204,958)
Law Clerk Program	153,811	166,000	72,305	142,665	2,238	11,350	74,543	154,015	79,268	11,985
Legislative	-	-	70,171	135,416	9,936	18,650	80,107	154,066	(80,107)	(154,066)
Licensing and Membership Records	203,195	304,350	327,384	636,327	25,674	45,812	353,059	682,139	(149,863)	(377,789)
Licensing Fees	8,123,047	15,958,200	-	-	-	-	-	-	8,123,047	15,958,200
Limited License Legal Technician	-	-	110,824	215,591	9,889	25,600	120,713	241,191	(120,713)	(241,191)
Limited Practice Officers	-	-	82,762	168,653	1,806	3,000	84,568	156,182	(84,568)	(171,653)
Mandatory CLE	697,582	1,050,000	333,134	620,981	125,078	252,448	458,212	873,429	239,370	176,571
Member Assistance Program	6,297	10,000	72,275	141,224	953	1,275	73,228	142,499	(66,931)	(132,499)
Member Benefits	12,221	17,000.00	45,983	92,611	128,634	185,096	174,617	277,707	(162,396)	(260,707)
Member Services & Engagement	96,761	141,200.00	249,504	505,614	13,941	56,065	263,445	561,679	(166,684)	(420,479)
NW Lawyer	159,928	461,350	144,044	302,818	127,241	355,635	271,284	658,453	(111,356)	(197,103)
Office of General Counsel	330	-	414,725	928,680	1,695	13,076	416,420	941,756	(416,090)	(941,756)
OGC-Disciplinary Board	-	-	87,461	187,073	37,897	103,500	125,358	290,573	(125,358)	(290,573)
Outreach and Engagement	-	-	189,405	371,046	10,133	30,852	199,538	401,898	(199,538)	(401,898)
Practice of Law Board	-	-	23,096	74,063	5,344	16,000	28,440	90,063	(28,440)	(90,063)
Professional Responsibility Program	-	-	131,692	258,870	3,590	6,700	135,282	265,570	(135,282)	(265,570)
Public Service Programs	139,317	112,000	63,567	142,504	50,112	232,415	113,679	374,919	25,638	(262,919)
Publication and Design Services	-	-	77,357	141,602	4,280	5,263	81,637	146,865	(81,637)	(146,865)
Sections Administration	286,813	300,000	263,300	515,018	6,977	9,297	270,277	524,315	16,535	(224,315)
Technology	-	-	840,069	1,540,222	-	-	840,069	1,540,222	(840,069)	(1,540,222)
Subtotal General Fund	11,117,511	20,222,324	9,180,693	17,798,285	989,812	2,525,855	10,170,505	20,323,940	947,005	(101,616)
Expenses using reserve funds	-	-	-	-	-	-	-	-	-	-
Total General Fund - Net Result from Operations									947,005	(101,616)
Percentage of Budget	54.98%		51.58%		39.19%		50.04%			
CLE-Seminars and Products	883,398	1,879,500	590,408	1,150,797	88,917	393,776	679,325	1,544,573	204,073	334,927
CLE - Deskbooks	73,289	160,000	111,774	217,303	52,409	69,390	164,182	286,693	(90,893)	(126,693)
Total CLE	956,687	2,039,500	702,182	1,368,100	141,325	463,166	843,507	1,831,266	113,180	208,234
Percentage of Budget	46.91%		51.33%		30.51%		46.06%			
Total All Sections	463,881	544,140	-	-	380,379	841,025	380,379	841,025	83,502	(296,885)
Client Protection Fund-Restricted	1,029,272	992,500	74,803	164,210	56,334	504,000	131,227	668,210	898,045	324,290
Management of Western States Bar Conference (N	67,053	68,200	-	-	37,517	62,800	37,517	62,800	29,535	5,400
Totals	13,634,403	23,866,664	9,957,768	19,330,595	1,605,369	4,396,646	11,563,136	23,727,241	2,071,266	139,423
Percentage of Budget	57.13%		51.51%		36.51%		48.73%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2018	2019 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	3,227,988	3,552,278	4,126,033
Western States Bar Conference	8,340	13,740	37,875.15
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	604,125	812,359	717,305
Section Funds	1,160,343	863,458	1,243,845
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	450,000	450,000	450,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,845,858	1,744,242	2,792,863
Total General Fund Balance	3,795,858	3,694,242	4,742,863
Net Change in general Fund Balance		(101,616)	947,005
Total Fund Balance	8,796,654	8,936,077	10,867,921
Net Change In Fund Balance		139,423	2,071,266

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2019 to March 31, 2019

50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	15,778,000.00	1,415,193.81	8,050,082.49	7,727,917.51	51.02%
LLLT LICENSE FEES	5,800.00	441.66	3,404.45	2,395.55	58.70%
LPO LICENSE FEES	174,400.00	14,994.38	69,559.84	104,840.16	39.89%
TOTAL REVENUE:	15,958,200.00	1,430,629.85	8,123,046.78	7,835,153.22	50.90%

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
CONFERENCES & INSTITUTES	7,500.00	-	-	7,500.00	0%
TOTAL REVENUE:	7,500.00	-	-	7,500.00	0%
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	-	-	2,000.00	0.00%
ATJ BOARD EXPENSE	24,000.00	726.24	6,913.25	17,086.75	28.81%
STAFF TRAVEL/PARKING	3,500.00	273.18	439.82	3,060.18	12.57%
STAFF MEMBERSHIP DUES	120.00	-	100.00	20.00	83.33%
PUBLIC DEFENSE	7,000.00	-	1,347.39	5,652.61	19.25%
CONFERENCE/INSTITUTE EXPENSE	14,837.00	-	-	14,837.00	0.00%
RECEPTION/FORUM EXPENSE	9,500.00	-	-	9,500.00	0.00%
TOTAL DIRECT EXPENSES:	62,957.00	999.42	8,800.46	54,156.54	13.98%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	160,817.00	13,908.14	81,684.21	79,132.79	50.79%
BENEFITS EXPENSE	59,156.00	4,677.45	28,769.08	30,386.92	48.63%
OTHER INDIRECT EXPENSE	51,894.00	4,073.67	27,986.83	23,907.17	53.93%
TOTAL INDIRECT EXPENSES:	271,867.00	22,659.26	138,440.12	133,426.88	50.92%
TOTAL ALL EXPENSES:	334,824.00	23,658.68	147,240.58	187,583.42	43.98%
NET INCOME (LOSS):	(327,324.00)	(23,658.68)	(147,240.58)		

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2019 to March 31, 2019

50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	70,000.00	33,649.48	90,483.32	(20,483.32)	129.26%
GAIN/LOSS ON INVESTMENTS	30,000.00	29,199.90	73,028.18	(43,028.18)	243.43%
TOTAL REVENUE:	100,000.00	62,849.38	163,511.50	(63,511.50)	163.51%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	3,499.10	(3,987.78)	3,987.78	
STAFF TRAVEL/PARKING	4,200.00	350.00	2,100.00	2,100.00	50.00%
STAFF MEMBERSHIP DUES	685.00	-	294.17	390.83	42.94%
MISCELLANEOUS	-	198.00	198.00	(198.00)	
TOTAL DIRECT EXPENSES:	4,885.00	4,047.10	(1,395.61)	6,280.61	-28.57%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.97 FTE)	700,100.00	65,749.39	365,309.44	334,790.56	52.18%
BENEFITS EXPENSE	241,718.00	19,177.81	118,079.08	123,638.92	48.85%
OTHER INDIRECT EXPENSE	196,951.00	15,474.58	106,312.54	90,638.46	53.98%
TOTAL INDIRECT EXPENSES:	1,138,769.00	100,401.78	589,701.06	549,067.94	51.78%
TOTAL ALL EXPENSES:	1,143,654.00	104,448.88	588,305.45	555,348.55	51.44%
NET INCOME (LOSS):	(1,043,654.00)	(41,599.50)	(424,793.95)		

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2019 to March 31, 2019

50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	-	35,000.00	0.00%
BAR EXAM FEES	1,200,000.00	262,605.00	850,070.00	349,930.00	70.84%
SPECIAL ADMISSIONS	60,000.00	4,270.00	21,490.00	38,510.00	35.82%
LLLT EXAM FEES	7,500.00	-	1,810.00	5,690.00	24.13%
LLLT WAIVER FEES	900.00	-	150.00	750.00	16.67%
LPO EXAMINATION FEES	24,000.00	4,600.00	20,400.00	3,600.00	85.00%
TOTAL REVENUE:	1,327,400.00	271,475.00	893,920.00	433,480.00	67.34%
DIRECT EXPENSES:					
DEPRECIATION	17,776.00	-	-	17,776.00	0.00%
POSTAGE	4,000.00	222.48	1,383.07	2,616.93	34.58%
STAFF TRAVEL/PARKING	13,000.00	5,519.22	7,972.99	5,027.01	61.33%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	2,500.00	117.39	366.73	2,133.27	14.67%
FACILITY, PARKING, FOOD	70,000.00	354.12	34,469.18	35,530.82	49.24%
EXAMINER FEES	35,000.00	-	10,000.00	25,000.00	28.57%
UBE EXMINATIONS	130,000.00	36,936.00	36,936.00	93,064.00	28.41%
BOARD OF BAR EXAMINERS	25,000.00	7,563.45	7,625.43	17,374.57	30.50%
BAR EXAM PROCTORS	31,000.00	14,369.75	14,369.75	16,630.25	46.35%
CHARACTER & FITNESS BOARD	20,000.00	170.78	9,040.47	10,959.53	45.20%
DISABILITY ACCOMMODATIONS	20,000.00	8,292.22	8,292.22	11,707.78	41.46%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	-	900.00	0.00%
LAW SCHOOL VISITS	1,000.00	-	659.12	340.88	65.91%
EXAM WRITING	28,355.00	14,175.00	14,175.00	14,180.00	49.99%
COURT REPORTERS	18,000.00	767.60	7,423.40	10,576.60	41.24%
PRINTING & COPYING	-	-	101.70	(101.70)	
TOTAL DIRECT EXPENSES:	416,931.00	88,488.01	152,815.06	264,115.94	36.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.30 FTE)	496,503.00	42,742.57	253,419.53	243,083.47	51.04%
BENEFITS EXPENSE	188,862.00	14,961.31	91,999.03	96,862.97	48.71%
OTHER INDIRECT EXPENSE	155,683.00	12,248.44	84,148.33	71,534.67	54.05%
TOTAL INDIRECT EXPENSES:	841,048.00	69,952.32	429,566.89	411,481.11	51.08%
TOTAL ALL EXPENSES:	1,257,979.00	158,440.33	582,381.95	675,597.05	46.30%
NET INCOME (LOSS):	69,421.00	113,034.67	311,538.05		

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2019 to March 31, 2019

50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	5,400.00	-	2,250.00	3,150.00	41.67%
STAFF MEMBERSHIP DUES	2,131.00	-	925.00	1,206.00	43.41%
TELEPHONE	1,000.00	55.66	345.53	654.47	34.55%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	60,000.00	-	100.00%
BOG MEETINGS	117,000.00	25,855.16	38,557.54	78,442.46	32.96%
BOG COMMITTEES' EXPENSES	30,000.00	931.45	9,077.47	20,922.53	30.26%
BOG CONFERENCE ATTENDANCE	49,000.00	4,049.01	13,364.58	35,635.42	27.27%
BOG TRAVEL & OUTREACH	35,000.00	1,330.38	9,209.22	25,790.78	26.31%
ED TRAVEL & OUTREACH	5,000.00	191.15	1,635.69	3,364.31	32.71%
TOTAL DIRECT EXPENSES:	304,531.00	32,412.81	135,365.03	169,165.97	44.45%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	361,878.00	55,160.20	231,631.68	130,246.32	64.01%
BENEFITS EXPENSE	107,757.00	8,573.53	52,925.40	54,831.60	49.12%
OTHER INDIRECT EXPENSE	60,543.00	4,757.21	32,682.63	27,860.37	53.98%
TOTAL INDIRECT EXPENSES:	530,178.00	68,490.94	317,239.71	212,938.29	59.84%
TOTAL ALL EXPENSES:	834,709.00	100,903.75	452,604.74	382,104.26	54.22%
NET INCOME (LOSS):	(834,709.00)	(100,903.75)	(452,604.74)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
APEX LUNCH/DINNER	50,000.00	-	-	50,000.00	0.00%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	300.00	450.00	40.00%
WSBA LOGO MERCHANDISE SALES	-	-	560.00	(560.00)	
TOTAL REVENUE:	50,750.00	-	860.00	49,890.00	1.69%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	350.00	2,100.00	2,600.00	44.68%
STAFF MEMBERSHIP DUES	1,000.00	-	1,060.00	(60.00)	106.00%
SUBSCRIPTIONS	10,050.00	6,090.56	6,546.07	3,503.93	65.14%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	-	406.36	1,043.64	28.02%
APEX DINNER	63,000.00	-	6,562.50	56,437.50	10.42%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	8,458.95	(458.95)	105.74%
COMMUNICATIONS OUTREACH	15,000.00	959.94	10,284.03	4,715.97	68.56%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
EQUIPMENT, HARDWARE & SOFTWARE	-	-	384.25	(384.25)	
TELEPHONE	-	26.72	133.46	(133.46)	
CONFERENCE CALLS	-	-	34.74	(34.74)	
TOTAL DIRECT EXPENSES:	104,800.00	7,427.22	35,970.36	68,829.64	34.32%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.62 FTE)	312,393.00	27,257.37	167,216.41	145,176.59	53.53%
BENEFITS EXPENSE	124,221.00	9,572.02	58,850.78	65,370.22	47.38%
OTHER INDIRECT EXPENSE	114,168.00	8,967.57	61,608.64	52,559.36	53.96%
TOTAL INDIRECT EXPENSES:	550,782.00	45,796.96	287,675.83	263,106.17	52.23%
TOTAL ALL EXPENSES:	655,582.00	53,224.18	323,646.19	331,935.81	49.37%
NET INCOME (LOSS):	(604,832.00)	(53,224.18)	(322,786.19)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>	<u> -</u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TRANSLATION SERVICES	3,500.00	679.40	2,772.90	727.10	79.23%
TOTAL DIRECT EXPENSES:	<u style="text-align: right;">3,500.00</u>	<u style="text-align: right;">679.40</u>	<u style="text-align: right;">2,772.90</u>	<u style="text-align: right;">727.10</u>	<u style="text-align: right;">79.23%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	429,625.00	37,860.15	225,337.15	204,287.85	52.45%
BENEFITS EXPENSE	174,080.00	13,781.50	83,011.98	91,068.02	47.69%
OTHER INDIRECT EXPENSE	<u>176,688.00</u>	<u>13,888.84</u>	<u>95,418.19</u>	<u>81,269.81</u>	<u>54.00%</u>
TOTAL INDIRECT EXPENSES:	<u style="text-align: right;">780,393.00</u>	<u style="text-align: right;">65,530.49</u>	<u style="text-align: right;">403,767.32</u>	<u style="text-align: right;">376,625.68</u>	<u style="text-align: right;">51.74%</u>
TOTAL ALL EXPENSES:	<u style="text-align: right;">783,893.00</u>	<u style="text-align: right;">66,209.89</u>	<u style="text-align: right;">406,540.22</u>	<u style="text-align: right;">377,352.78</u>	<u style="text-align: right;">51.86%</u>
NET INCOME (LOSS):	<u style="text-align: right;">(783,893.00)</u>	<u style="text-align: right;">(66,209.89)</u>	<u style="text-align: right;">(406,540.22)</u>		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	3,200.00	276.25	980.00	2,220.00	30.63%
RECOVERY OF DISCIPLINE COSTS	80,000.00	1,950.00	31,517.71	48,482.29	39.40%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,067.87	7,090.29	5,909.71	54.54%
TOTAL REVENUE:	96,200.00	3,294.12	39,588.00	56,612.00	41.15%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	7,123.00	858.00	5,151.00	1,972.00	72.32%
PUBLICATIONS PRODUCTION	444.00	-	211.25	232.75	47.58%
STAFF TRAVEL/PARKING	35,000.00	2,073.08	14,083.86	20,916.14	40.24%
STAFF MEMBERSHIP DUES	3,900.00	-	1,560.05	2,339.95	40.00%
TELEPHONE	2,300.00	186.70	1,118.58	1,181.42	48.63%
COURT REPORTERS	55,000.00	1,359.18	11,010.66	43,989.34	20.02%
OUTSIDE COUNSEL/AIC	2,000.00	-	37.49	1,962.51	1.87%
LITIGATION EXPENSES	25,000.00	2,114.86	10,059.13	14,940.87	40.24%
DISABILITY EXPENSES	7,500.00	-	2,500.00	5,000.00	33.33%
ONLINE LEGAL RESEARCH	68,000.00	5,569.61	28,054.83	39,945.17	41.26%
LAW LIBRARY	12,500.00	-	5,786.13	6,713.87	46.29%
TRANSLATION SERVICES	1,500.00	-	247.89	1,252.11	16.53%
CONFERENCE CALLS	-	-	4.16	(4.16)	
TOTAL DIRECT EXPENSES:	220,267.00	12,161.43	79,825.03	140,441.97	36.24%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.88 FTE)	3,556,329.00	305,163.57	1,780,410.11	1,775,918.89	50.06%
BENEFITS EXPENSE	1,196,316.00	94,173.00	583,593.62	612,722.38	48.78%
OTHER INDIRECT EXPENSE	911,363.00	71,604.10	491,929.96	419,433.04	53.98%
TOTAL INDIRECT EXPENSES:	5,664,008.00	470,940.67	2,855,933.69	2,808,074.31	50.42%
TOTAL ALL EXPENSES:	5,884,275.00	483,102.10	2,935,758.72	2,948,516.28	49.89%
NET INCOME (LOSS):	(5,788,075.00)	(479,807.98)	(2,896,170.72)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	110,000.00	-	137,500.00	(27,500.00)	125.00%
WORK STUDY GRANTS	10,374.00	-	2,829.75	7,544.25	27.28%
TOTAL REVENUE:	120,374.00	-	140,329.75	(19,955.75)	116.58%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	6,000.00	68.21	1,357.25	4,642.75	22.62%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	5,000.00	588.43	2,884.33	2,115.67	57.69%
DIVERSITY EVENTS & PROJECTS	10,000.00	381.39	3,235.82	6,764.18	32.36%
INTERNAL DIVERSITY OUTREACH	200.00	-	70.24	129.76	35.12%
TOTAL DIRECT EXPENSE:	21,550.00	1,038.03	7,547.64	14,002.36	35.02%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.05 FTE)	328,835.00	28,947.14	169,089.19	159,745.81	51.42%
BENEFITS EXPENSE	115,724.00	9,178.85	56,484.02	59,239.98	48.81%
OTHER INDIRECT EXPENSE	100,082.00	7,874.00	54,095.40	45,986.60	54.05%
TOTAL INDIRECT EXPENSES:	544,641.00	45,999.99	279,668.61	264,972.39	51.35%
TOTAL ALL EXPENSES:	566,191.00	47,038.02	287,216.25	278,974.75	50.73%
NET INCOME (LOSS):	(445,817.00)	(47,038.02)	(146,886.50)		

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2019 to March 31, 2019

50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
CONSULTING SERVICES	3,000.00	-	2,000.00	1,000.00	66.67%
PRINTING & COPYING	800.00	-	494.90	305.10	61.86%
STAFF TRAVEL/PARKING	1,400.00	-	11.99	1,388.01	0.86%
SUPPLIES	500.00	-	-	500.00	0.00%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	3,000.00	-	188.40	2,811.60	6.28%
POSTAGE	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	<u>14,200.00</u>	<u>-</u>	<u>2,695.29</u>	<u>11,504.71</u>	<u>18.98%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.15 FTE)	89,538.00	9,117.46	47,277.68	42,260.32	52.80%
BENEFITS EXPENSE	32,707.00	2,582.39	15,892.26	16,814.74	48.59%
OTHER INDIRECT EXPENSE	28,418.00	2,241.88	15,402.10	13,015.90	54.20%
TOTAL INDIRECT EXPENSES:	<u>150,663.00</u>	<u>13,941.73</u>	<u>78,572.04</u>	<u>72,090.96</u>	<u>52.15%</u>
TOTAL ALL EXPENSES:	<u>164,863.00</u>	<u>13,941.73</u>	<u>81,267.33</u>	<u>83,595.67</u>	<u>49.29%</u>
NET INCOME (LOSS):	<u>(164,863.00)</u>	<u>(13,941.73)</u>	<u>(81,267.33)</u>		

Washington State Bar Association
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For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	150.00	-	220.00	(70.00)	146.67%
STAFF MEMBERSHIP DUES	1,250.00	-	778.00	472.00	62.24%
SUBSCRIPTIONS	2,100.00	1,644.50	1,799.30	300.70	85.68%
STAFF TRAINING- GENERAL	30,000.00	2,022.83	5,187.13	24,812.87	17.29%
RECRUITING AND ADVERTISING	7,000.00	295.04	2,415.80	4,584.20	34.51%
PAYROLL PROCESSING	49,000.00	4,565.29	24,025.32	24,974.68	49.03%
SALARY SURVEYS	2,900.00	324.80	1,524.90	1,375.10	52.58%
CONSULTING SERVICES	10,000.00	-	-	10,000.00	0.00%
TRANSFER TO INDIRECT EXPENSE	(102,400.00)	(8,852.46)	(35,950.45)	(66,449.55)	35.11%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	260,398.00	21,106.07	127,261.12	133,136.88	48.87%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
BENEFITS EXPENSE	84,017.00	6,671.93	41,123.99	42,893.01	48.95%
OTHER INDIRECT EXPENSE	60,543.00	4,757.20	32,682.61	27,860.39	53.98%
TOTAL INDIRECT EXPENSES:	204,958.00	32,535.20	201,067.72	3,890.28	98.10%
TOTAL ALL EXPENSES:	204,958.00	32,535.20	201,067.72	3,890.28	98.10%
NET INCOME (LOSS):	(204,958.00)	(32,535.20)	(201,067.72)		

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2019 to March 31, 2019

50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	162,000.00	6,695.00	152,311.00	9,689.00	94.02%
LAW CLERK APPLICATION FEES	4,000.00	400.00	1,500.00	2,500.00	37.50%
TOTAL REVENUE:	166,000.00	7,095.00	153,811.00	12,189.00	92.66%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	-	250.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	6,000.00	-	2,204.24	3,795.76	36.74%
STAFF TRAVEL/PARKING	-	33.33	33.33	(33.33)	
LAW CLERK OUTREACH	5,000.00	-	-	5,000.00	0.00%
TOTAL DIRECT EXPENSES:	11,350.00	33.33	2,237.57	9,112.43	19.71%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	84,449.00	7,137.26	42,530.90	41,918.10	50.36%
BENEFITS EXPENSE	31,033.00	2,461.32	15,123.71	15,909.29	48.73%
OTHER INDIRECT EXPENSE	27,183.00	2,132.54	14,650.83	12,532.17	53.90%
TOTAL INDIRECT EXPENSES:	142,665.00	11,731.12	72,305.44	70,359.56	50.68%
TOTAL ALL EXPENSES:	154,015.00	11,764.45	74,543.01	79,471.99	48.40%
NET INCOME (LOSS):	11,985.00	(4,669.45)	79,267.99		

Washington State Bar Association
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For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,550.00	467.56	1,483.92	3,066.08	32.61%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	400.00	-	-	400.00	0.00%
OLYMPIA RENT	2,500.00	207.03	621.09	1,878.91	24.84%
CONTRACT LOBBYIST	5,000.00	1,250.00	3,750.00	1,250.00	75.00%
LOBBYIST CONTACT COSTS	1,000.00	-	-	1,000.00	0.00%
LEGISLATIVE COMMITTEE	2,500.00	-	2,099.23	400.77	83.97%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
TOTAL DIRECT EXPENSES:	18,650.00	1,924.59	9,936.04	8,713.96	53.28%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	80,340.00	6,946.50	40,790.15	39,549.85	50.77%
BENEFITS EXPENSE	27,893.00	2,397.94	14,730.37	13,162.63	52.81%
OTHER INDIRECT EXPENSE	27,183.00	2,132.55	14,650.88	12,532.12	53.90%
TOTAL INDIRECT EXPENSES:	135,416.00	11,476.99	70,171.40	65,244.60	51.82%
TOTAL ALL EXPENSES:	154,066.00	13,401.58	80,107.44	73,958.56	52.00%
NET INCOME (LOSS):	(154,066.00)	(13,401.58)	(80,107.44)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,639.70	9,570.13	12,429.87	43.50%
RULE 9/LEGAL INTERN FEES	11,000.00	200.00	2,100.00	8,900.00	19.09%
INVESTIGATION FEES	22,000.00	1,900.00	15,200.00	6,800.00	69.09%
PRO HAC VICE	230,000.00	38,052.00	170,911.00	59,089.00	74.31%
MEMBER CONTACT INFORMATION	19,000.00	431.20	5,186.16	13,813.84	27.30%
PHOTO BAR CARD SALES	350.00	60.00	228.00	122.00	65.14%
TOTAL REVENUE:	304,350.00	42,282.90	203,195.29	101,154.71	66.76%
DIRECT EXPENSES:					
DEPRECIATION	13,812.00	1,150.00	6,903.00	6,909.00	49.98%
POSTAGE	29,000.00	10,449.05	16,330.30	12,669.70	56.31%
LICENSING FORMS	3,000.00	-	2,441.11	558.89	81.37%
TOTAL DIRECT EXPENSES:	45,812.00	11,599.05	25,674.41	20,137.59	56.04%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.35 FTE)	395,080.00	36,483.66	204,039.91	191,040.09	51.65%
BENEFITS EXPENSE	133,752.00	10,608.54	65,304.52	68,447.48	48.83%
OTHER INDIRECT EXPENSE	107,495.00	8,448.16	58,039.84	49,455.16	53.99%
TOTAL INDIRECT EXPENSES:	636,327.00	55,540.36	327,384.27	308,942.73	51.45%
TOTAL ALL EXPENSES:	682,139.00	67,139.41	353,058.68	329,080.32	51.76%
NET INCOME (LOSS):	(377,789.00)	(24,856.51)	(149,863.39)		

Washington State Bar Association
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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	(33.33)	333.15	266.85	55.53%
LLLT BOARD	17,000.00	1,057.42	7,147.95	9,852.05	42.05%
LLLT OUTREACH	8,000.00	50.77	2,407.66	5,592.34	30.10%
TOTAL DIRECT EXPENSES:	25,600.00	1,074.86	9,888.76	15,711.24	38.63%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.55 FTE)	135,526.00	10,626.67	67,035.71	68,490.29	49.46%
BENEFITS EXPENSE	41,762.00	3,759.21	23,126.71	18,635.29	55.38%
OTHER INDIRECT EXPENSE	38,303.00	3,007.42	20,661.45	17,641.55	53.94%
TOTAL INDIRECT EXPENSES:	215,591.00	17,393.30	110,823.87	104,767.13	51.40%
TOTAL ALL EXPENSES:	241,191.00	18,468.16	120,712.63	120,478.37	50.05%
NET INCOME (LOSS):	(241,191.00)	(18,468.16)	(120,712.63)		

Washington State Bar Association
Statement of Activities
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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
LPO BOARD	3,000.00	454.71	1,806.35	1,193.65	60.21%
TOTAL DIRECT EXPENSES:	<u>3,000.00</u>	<u>454.71</u>	<u>1,806.35</u>	<u>1,193.65</u>	<u>60.21%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.17 FTE)	99,089.00	8,330.00	50,096.82	48,992.18	50.56%
BENEFITS EXPENSE	40,651.00	2,775.70	17,074.94	23,576.06	42.00%
OTHER INDIRECT EXPENSE	28,913.00	2,269.25	15,589.97	13,323.03	53.92%
TOTAL INDIRECT EXPENSES:	<u>168,653.00</u>	<u>13,374.95</u>	<u>82,761.73</u>	<u>85,891.27</u>	<u>49.07%</u>
TOTAL ALL EXPENSES:	<u>171,653.00</u>	<u>13,829.66</u>	<u>84,568.08</u>	<u>87,084.92</u>	<u>49.27%</u>
NET INCOME (LOSS):	<u>(171,653.00)</u>	<u>(13,829.66)</u>	<u>(84,568.08)</u>		

Washington State Bar Association
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For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	540,000.00	63,400.00	324,145.00	215,855.00	60.03%
FORM 1 LATE FEES	150,000.00	17,950.00	108,737.50	41,262.50	72.49%
MEMBER LATE FEES	203,000.00	29,600.00	144,050.00	58,950.00	70.96%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	-	43,000.00	-	100.00%
ATTENDANCE LATE FEES	85,000.00	5,950.00	45,330.00	39,670.00	53.33%
COMITY CERTIFICATES	29,000.00	643.40	32,319.06	(3,319.06)	111.45%
TOTAL REVENUE:	1,050,000.00	117,543.40	697,581.56	352,418.44	66.44%
DIRECT EXPENSES:					
DEPRECIATION	249,948.00	20,676.00	124,049.00	125,899.00	49.63%
STAFF MEMBERSHIP DUES	500.00	500.00	500.00	-	100.00%
MCLE BOARD	2,000.00	-	528.69	1,471.31	26.43%
TOTAL DIRECT EXPENSES:	252,448.00	21,176.00	125,077.69	127,370.31	49.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.90 FTE)	374,898.00	25,547.11	206,882.34	168,015.66	55.18%
BENEFITS EXPENSE	124,996.00	9,899.88	60,886.47	64,109.53	48.71%
OTHER INDIRECT EXPENSE	121,087.00	9,514.39	65,365.25	55,721.75	53.98%
TOTAL INDIRECT EXPENSES:	620,981.00	44,961.38	333,134.06	287,846.94	53.65%
TOTAL ALL EXPENSES:	873,429.00	66,137.38	458,211.75	415,217.25	52.46%
NET INCOME (LOSS):	176,571.00	51,406.02	239,369.81		

Washington State Bar Association
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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	2,250.00	6,016.80	3,983.20	60.17%
LAP GROUPS REVENUE	-	-	280.00	(280.00)	
TOTAL REVENUE:	10,000.00	2,250.00	6,296.80	3,703.20	62.97%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	127.86	127.86	72.14	63.93%
STAFF MEMBERSHIP DUES	225.00	-	-	225.00	0.00%
PROF LIAB INSURANCE	850.00	-	825.00	25.00	97.06%
TOTAL DIRECT EXPENSES:	1,275.00	127.86	952.86	322.14	74.73%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	84,582.00	7,346.62	43,585.00	40,997.00	51.53%
BENEFITS EXPENSE	34,402.00	2,715.01	16,668.71	17,733.29	48.45%
OTHER INDIRECT EXPENSE	22,240.00	1,749.77	12,021.22	10,218.78	54.05%
TOTAL INDIRECT EXPENSES:	141,224.00	11,811.40	72,274.93	68,949.07	51.18%
TOTAL ALL EXPENSES:	142,499.00	11,939.26	73,227.79	69,271.21	51.39%
NET INCOME (LOSS):	(132,499.00)	(9,689.26)	(66,930.99)		

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50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER SERVICES & ENGAGEMENT					
REVENUE:					
ROYALTIES	30,000.00	-	22,778.47	7,221.53	75.93%
NMP PRODUCT SALES	70,000.00	2,157.00	58,302.64	11,697.36	83.29%
SPONSORSHIPS	1,200.00	-	725.00	475.00	60.42%
SEMINAR REGISTRATIONS	30,000.00	-	-	30,000.00	0.00%
TRIAL ADVOCACY PROGRAM	10,000.00	-	14,955.00	(4,955.00)	149.55%
TOTAL REVENUE:	141,200.00	2,157.00	96,761.11	44,438.89	68.53%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,500.00	-	193.93	4,306.07	4.31%
SUBSCRIPTIONS	480.00	-	769.60	(289.60)	160.33%
CONFERENCE CALLS	200.00	13.27	27.88	172.12	13.94%
YLL SECTION PROGRAM	1,100.00	35.00	740.00	360.00	67.27%
WYLC CLE COMPS	1,000.00	-	-	1,000.00	0.00%
WYLC OUTREACH EVENTS	2,500.00	(26.42)	-	2,500.00	0.00%
WYL COMMITTEE	15,000.00	-	794.52	14,205.48	5.30%
OPEN SECTIONS NIGHT	4,400.00	-	2,999.64	1,400.36	68.17%
RURAL PLACEMENT PROGRAM	10,500.00	-	-	10,500.00	0.00%
TRIAL ADVOCACY EXPENSES	2,500.00	704.12	1,947.44	552.56	77.90%
RECEPTION/FORUM EXPENSE	4,000.00	817.03	3,076.64	923.36	76.92%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	-	835.90	1,664.10	33.44%
STAFF MEMBERSHIP DUES	385.00	-	-	385.00	0.00%
LENDING LIBRARY	5,500.00	74.91	1,885.39	3,614.61	34.28%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	574.80	670.26	829.74	44.68%
TOTAL DIRECT EXPENSES:	56,065.00	2,192.71	13,941.20	42,123.80	24.87%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.98 FTE)	296,941.00	25,531.24	142,589.56	154,351.44	48.02%
BENEFITS EXPENSE	110,321.00	8,737.71	53,758.08	56,562.92	48.73%
OTHER INDIRECT EXPENSE	98,352.00	7,737.28	53,156.23	45,195.77	54.05%
TOTAL INDIRECT EXPENSES:	505,614.00	42,006.23	249,503.87	256,110.13	49.35%
TOTAL ALL EXPENSES:	561,679.00	44,198.94	263,445.07	298,233.93	46.90%
NET INCOME (LOSS):	(420,479.00)	(42,041.94)	(166,683.96)		

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50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
SPONSORSHIPS	8,000.00	1,000.00	1,000.00	7,000.00	12.50%
INTERNET SALES	9,000.00	147.00	11,221.00	(2,221.00)	124.68%
TOTAL REVENUE:	17,000.00	1,147.00	12,221.00	4,779.00	71.89%
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	450.61	476.41	1,223.59	28.02%
WSBA CONNECTS	46,560.00	11,640.00	31,040.00	15,520.00	66.67%
CASEMAKER & FASTCASE	136,336.00	5,416.00	96,860.95	39,475.05	71.05%
CONFERENCE CALLS	-	-	256.53	(256.53)	
TOTAL DIRECT EXPENSES:	185,096.00	17,506.61	128,633.89	56,462.11	69.50%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.73 FTE)	54,366.00	4,647.28	26,332.16	28,033.84	48.43%
BENEFITS EXPENSE	20,206.00	1,604.63	9,883.35	10,322.65	48.91%
OTHER INDIRECT EXPENSE	18,039.00	1,421.73	9,767.36	8,271.64	54.15%
TOTAL INDIRECT EXPENSES:	92,611.00	7,673.64	45,982.87	46,628.13	49.65%
TOTAL ALL EXPENSES:	277,707.00	25,180.25	174,616.76	103,090.24	62.88%
NET INCOME (LOSS):	(260,707.00)	(24,033.25)	(162,395.76)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,267.59	(1,267.59)	
DISPLAY ADVERTISING	297,500.00	25,029.20	51,526.30	245,973.70	17.32%
SUBSCRIPT/SINGLE ISSUES	350.00	-	72.00	278.00	20.57%
CLASSIFIED ADVERTISING	12,500.00	1,963.00	10,793.50	1,706.50	86.35%
GEN ANNOUNCEMENTS	17,500.00	182.00	546.00	16,954.00	3.12%
PROF ANNOUNCEMENTS	21,000.00	1,524.60	2,734.20	18,265.80	13.02%
JOB TARGET ADVERTISING	112,500.00	11,109.56	92,988.65	19,511.35	82.66%
TOTAL REVENUE:	461,350.00	39,808.36	159,928.24	301,421.76	34.67%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	2,000.00	(500.00)	(2,450.00)	4,450.00	-122.50%
POSTAGE	89,000.00	10,144.08	39,916.73	49,083.27	44.85%
PRINTING, COPYING & MAILING	250,000.00	-	86,649.83	163,350.17	34.66%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	-	2,900.00	7,300.00	28.43%
GRAPHICS/ARTWORK	3,500.00	-	-	3,500.00	0.00%
EDITORIAL ADVISORY COMMITTEE	800.00	-	206.40	593.60	25.80%
STAFF MEMBERSHIP DUES	135.00	-	-	135.00	0.00%
SUPPLIES	-	-	17.79	(17.79)	
TOTAL DIRECT EXPENSES:	355,635.00	9,644.08	127,240.75	228,394.25	35.78%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	177,211.00	17,400.46	88,507.09	88,703.91	49.94%
BENEFITS EXPENSE	70,006.00	5,531.13	25,483.57	44,522.43	36.40%
OTHER INDIRECT EXPENSE	55,601.00	4,374.46	30,053.04	25,547.96	54.05%
TOTAL INDIRECT EXPENSES:	302,818.00	27,306.05	144,043.70	158,774.30	47.57%
TOTAL ALL EXPENSES:	658,453.00	36,950.13	271,284.45	387,168.55	41.20%
NET INCOME (LOSS):	(197,103.00)	2,858.23	(111,356.21)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	-	330.00	(330.00)	
TOTAL REVENUE:	-	-	330.00	(330.00)	
DIRECT EXPENSES:					
DEPRECIATION	3,336.00	-	-	3,336.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	-	-	3,240.00	0.00%
STAFF MEMBERSHIP DUES	1,500.00	-	200.00	1,300.00	13.33%
COURT RULES COMMITTEE	2,000.00	-	1,487.74	512.26	74.39%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	-	-	500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	-	2,500.00	0.00%
LITIGATION EXPENSES	-	2.10	7.05	(7.05)	
TOTAL DIRECT EXPENSES:	13,076.00	2.10	1,694.79	11,381.21	12.96%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.75 FTE)	588,978.00	40,291.93	246,077.87	342,900.13	41.78%
BENEFITS EXPENSE	197,610.00	14,890.35	91,824.13	105,785.87	46.47%
OTHER INDIRECT EXPENSE	142,092.00	11,182.16	76,822.96	65,269.04	54.07%
TOTAL INDIRECT EXPENSES:	928,680.00	66,364.44	414,724.96	513,955.04	44.66%
TOTAL ALL EXPENSES:	941,756.00	66,366.54	416,419.75	525,336.25	44.22%
NET INCOME (LOSS):	(941,756.00)	(66,366.54)	(416,089.75)		

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2019 to March 31, 2019

50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
DISCIPLINARY BOARD EXPENSES	10,000.00	279.15	2,262.44	7,737.56	22.62%
CHIEF HEARING OFFICER	33,000.00	2,500.00	15,000.00	18,000.00	45.45%
HEARING OFFICER EXPENSES	3,000.00	24.00	134.43	2,865.57	4.48%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	3,000.00	20,500.00	34,500.00	37.27%
TOTAL DIRECT EXPENSES:	103,500.00	5,803.15	37,896.87	65,603.13	36.62%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.45 FTE)	110,578.00	8,135.79	48,543.83	62,034.17	43.90%
BENEFITS EXPENSE	40,663.00	3,181.87	19,570.28	21,092.72	48.13%
OTHER INDIRECT EXPENSE	35,832.00	2,816.03	19,346.64	16,485.36	53.99%
TOTAL INDIRECT EXPENSES:	187,073.00	14,133.69	87,460.75	99,612.25	46.75%
TOTAL ALL EXPENSES:	290,573.00	19,936.84	125,357.62	165,215.38	43.14%
NET INCOME (LOSS):	(290,573.00)	(19,936.84)	(125,357.62)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	1,400.00	-	-	1,400.00	0.00%
STAFF MEMBERSHIP DUES	1,152.00	-	-	1,152.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	522.80	2,970.84	1,529.16	66.02%
ANNUAL CHAIR MEETINGS	600.00	-	496.74	103.26	82.79%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	-	2,082.50	2,417.50	46.28%
BOG ELECTIONS	6,500.00	3,920.00	3,920.00	2,580.00	60.31%
BAR OUTREACH	10,000.00	-	663.12	9,336.88	6.63%
PROFESSIONALISM	2,000.00	-	-	2,000.00	0.00%
TOTAL DIRECT EXPENSES:	30,852.00	4,442.80	10,133.20	20,718.80	32.84%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.73 FTE)	224,397.00	19,398.42	113,776.27	110,620.73	50.70%
BENEFITS EXPENSE	79,186.00	6,365.94	39,189.49	39,996.51	49.49%
OTHER INDIRECT EXPENSE	67,463.00	5,303.99	36,439.24	31,023.76	54.01%
TOTAL INDIRECT EXPENSES:	371,046.00	31,068.35	189,405.00	181,641.00	51.05%
TOTAL ALL EXPENSES:	401,898.00	35,511.15	199,538.20	202,359.80	49.65%
NET INCOME (LOSS):	(401,898.00)	(35,511.15)	(199,538.20)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DIRECT EXPENSES:	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
PRACTICE OF LAW BOARD	16,000.00	1,064.20	5,343.53	10,656.47	33.40%
TOTAL DIRECT EXPENSES:	<u style="text-align: right;">16,000.00</u>	<u style="text-align: right;">1,064.20</u>	<u style="text-align: right;">5,343.53</u>	<u style="text-align: right;">10,656.47</u>	<u style="text-align: right;">33.40%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	50,676.00	1,954.31	11,156.60	39,519.40	22.02%
BENEFITS EXPENSE	13,502.00	1,079.62	6,680.47	6,821.53	49.48%
OTHER INDIRECT EXPENSE	<u>9,885.00</u>	<u>765.54</u>	<u>5,259.30</u>	<u>4,625.70</u>	<u>53.20%</u>
TOTAL INDIRECT EXPENSES:	<u style="text-align: right;">74,063.00</u>	<u style="text-align: right;">3,799.47</u>	<u style="text-align: right;">23,096.37</u>	<u style="text-align: right;">50,966.63</u>	<u style="text-align: right;">31.18%</u>
TOTAL ALL EXPENSES:	<u style="text-align: right;">90,063.00</u>	<u style="text-align: right;">4,863.67</u>	<u style="text-align: right;">28,439.90</u>	<u style="text-align: right;">61,623.10</u>	<u style="text-align: right;">31.58%</u>
NET INCOME (LOSS):	<u style="text-align: right;">(90,063.00)</u>	<u style="text-align: right;">(4,863.67)</u>	<u style="text-align: right;">(28,439.90)</u>		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	95.16	1,396.13	603.87	69.81%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,200.00	24.00	2,193.53	2,006.47	52.23%
TOTAL DIRECT EXPENSES:	6,700.00	119.16	3,589.66	3,110.34	53.58%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.65 FTE)	160,192.00	13,873.08	81,469.83	78,722.17	50.86%
BENEFITS EXPENSE	57,904.00	4,590.97	28,246.34	29,657.66	48.78%
OTHER INDIRECT EXPENSE	40,774.00	3,198.81	21,976.20	18,797.80	53.90%
TOTAL INDIRECT EXPENSES:	258,870.00	21,662.86	131,692.37	127,177.63	50.87%
TOTAL ALL EXPENSES:	265,570.00	21,782.02	135,282.03	130,287.97	50.94%
NET INCOME (LOSS):	(265,570.00)	(21,782.02)	(135,282.03)		

Washington State Bar Association
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50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	110,000.00	-	137,500.00	(27,500.00)	125.00%
PSP PRODUCT SALES	2,000.00	198.00	1,817.00	183.00	90.85%
TOTAL REVENUE:	112,000.00	198.00	139,317.00	(27,317.00)	124.39%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	-	48,999.58	158,915.42	23.57%
STAFF TRAVEL/PARKING	2,000.00	-	89.85	1,910.15	4.49%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	159.89	860.03	1,139.97	43.00%
PUBLIC SERVICE EVENTS AND PROJECTS	20,500.00	-	162.27	20,337.73	0.79%
TOTAL DIRECT EXPENSES:	232,415.00	159.89	50,111.73	182,303.27	21.56%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.03 FTE)	87,057.00	6,293.43	35,228.70	51,828.30	40.47%
BENEFITS EXPENSE	29,994.00	2,379.36	14,626.91	15,367.09	48.77%
OTHER INDIRECT EXPENSE	25,453.00	1,995.84	13,711.75	11,741.25	53.87%
TOTAL INDIRECT EXPENSES:	142,504.00	10,668.63	63,567.36	78,936.64	44.61%
TOTAL ALL EXPENSES:	374,919.00	10,828.52	113,679.09	261,239.91	30.32%
NET INCOME (LOSS):	(262,919.00)	(10,630.52)	25,637.91		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
SUBSCRIPTIONS	83.00	-	79.98	3.02	96.36%
IMAGE LIBRARY	4,680.00	-	4,200.00	480.00	89.74%
TOTAL DIRECT EXPENSES:	5,263.00	-	4,279.98	983.02	81.32%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.22 FTE)	80,074.00	7,096.45	46,013.22	34,060.78	57.46%
BENEFITS EXPENSE	31,380.00	2,474.19	15,002.98	16,377.02	47.81%
OTHER INDIRECT EXPENSE	30,148.00	2,378.57	16,341.22	13,806.78	54.20%
TOTAL INDIRECT EXPENSES:	141,602.00	11,949.21	77,357.42	64,244.58	54.63%
TOTAL ALL EXPENSES:	146,865.00	11,949.21	81,637.40	65,227.60	55.59%
NET INCOME (LOSS):	(146,865.00)	(11,949.21)	(81,637.40)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	300,000.00	3,731.25	286,812.50	13,187.50	95.60%
TOTAL REVENUE:	300,000.00	3,731.25	286,812.50	13,187.50	95.60%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	137.68	570.19	629.81	47.52%
SUBSCRIPTIONS	372.00	-	372.00	-	100.00%
CONFERENCE CALLS	300.00	-	88.79	211.21	29.60%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	360.87	639.13	36.09%
DUES STATEMENTS	6,000.00	-	5,585.18	414.82	93.09%
STAFF MEMBERSHIP DUES	125.00	-	-	125.00	0.00%
TOTAL DIRECT EXPENSES:	9,297.00	137.68	6,977.03	2,319.97	75.05%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.25 FTE)	297,955.00	25,175.64	152,022.54	145,932.46	51.02%
BENEFITS EXPENSE	112,039.00	8,875.33	54,552.52	57,486.48	48.69%
OTHER INDIRECT EXPENSE	105,024.00	8,256.74	56,725.00	48,299.00	54.01%
TOTAL INDIRECT EXPENSES:	515,018.00	42,307.71	263,300.06	251,717.94	51.12%
TOTAL ALL EXPENSES:	524,315.00	42,445.39	270,277.09	254,037.91	51.55%
NET INCOME (LOSS):	(224,315.00)	(38,714.14)	16,535.41		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	85,000.00	17,774.53	51,744.86	33,255.14	60.88%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	1,466.24	9,200.48	14,799.52	38.34%
COMPUTER HARDWARE	29,000.00	3,600.26	8,380.98	20,619.02	28.90%
COMPUTER SOFTWARE	29,000.00	935.18	9,988.33	19,011.67	34.44%
HARDWARE SERVICE & WARRANTIES	60,000.00	2,408.99	31,468.64	28,531.36	52.45%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	6,589.11	115,379.11	154,620.89	42.73%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	-	137.35	9,862.65	1.37%
COMPUTER SUPPLIES	15,000.00	(1,715.17)	3,764.55	11,235.45	25.10%
THIRD PARTY SERVICES	143,000.00	1,412.20	106,594.45	36,405.55	74.54%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(32,471.34)	(336,658.75)	(330,951.25)	50.43%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,059,680.00	96,912.84	556,562.55	503,117.45	52.52%
BENEFITS EXPENSE	370,332.00	29,380.48	176,493.31	193,838.69	47.66%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(9,864.24)	(54,521.37)	(134,278.63)	28.88%
OTHER INDIRECT EXPENSE	299,010.00	23,512.62	161,534.84	137,475.16	54.02%
TOTAL INDIRECT EXPENSES:	1,540,222.00	139,941.70	840,069.33	700,152.67	54.54%
TOTAL ALL EXPENSES:	1,540,222.00	139,941.70	840,069.33	700,152.67	54.54%
NET INCOME (LOSS):	(1,540,222.00)	(139,941.70)	(840,069.33)		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - PRODUCTS					
REVENUE:					
SHIPPING & HANDLING	1,000.00	36.00	232.68	767.32	23.27%
COURSEBOOK SALES	11,000.00	305.00	5,436.00	5,564.00	49.42%
MP3 AND VIDEO SALES	950,000.00	20,658.75	598,584.85	351,415.15	63.01%
TOTAL REVENUE:	962,000.00	20,999.75	604,253.53	357,746.47	62.81%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	100.00	-	(399.00)	499.00	-399.00%
DEPRECIATION	5,540.00	1,030.00	3,936.12	1,603.88	71.05%
STAFF MEMBERSHIP DUES	410.00	-	335.00	75.00	81.71%
COST OF SALES - COURSEBOOKS	1,200.00	23.05	462.96	737.04	38.58%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	3,699.53	22,309.14	17,690.86	55.77%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	18.69	205.45	294.55	41.09%
TOTAL DIRECT EXPENSES:	49,350.00	4,771.27	26,849.67	22,500.33	54.41%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.63 FTE)	98,425.00	8,837.92	52,903.65	45,521.35	53.75%
BENEFITS EXPENSE	40,026.00	3,165.12	19,476.45	20,549.55	48.66%
OTHER INDIRECT EXPENSE	40,280.00	3,171.48	21,788.44	18,491.56	54.09%
TOTAL INDIRECT EXPENSES:	178,731.00	15,174.52	94,168.54	84,562.46	52.69%
TOTAL ALL EXPENSES:	228,081.00	19,945.79	121,018.21	107,062.79	53.06%
NET INCOME (LOSS):	733,919.00	1,053.96	483,235.32		

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	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - SEMINARS					
REVENUE:					
SEMINAR REGISTRATIONS	876,000.00	30,669.50	278,644.25	597,355.75	31.81%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	-	500.00	41,000.00	1.20%
TOTAL REVENUE:	917,500.00	30,669.50	279,144.25	638,355.75	30.42%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	500.00	-	(124.00)	624.00	-24.80%
STAFF TRAVEL/PARKING	5,675.00	-	190.60	5,484.40	3.36%
STAFF MEMBERSHIP DUES	850.00	-	672.00	178.00	79.06%
SUPPLIES	3,650.00	-	186.17	3,463.83	5.10%
COURSEBOOK PRODUCTION	3,000.00	17.77	208.06	2,791.94	6.94%
POSTAGE - FLIERS/CATALOGS	10,685.00	1,430.90	3,290.76	7,394.24	30.80%
POSTAGE - MISC./DELIVERY	2,500.00	105.00	280.00	2,220.00	11.20%
ACCREDITATION FEES	4,696.00	(48.00)	2,050.00	2,646.00	43.65%
SEMINAR BROCHURES	20,770.00	2,783.27	7,111.56	13,658.44	34.24%
FACILITIES	223,500.00	6,400.00	38,730.10	184,769.90	17.33%
SPEAKERS & PROGRAM DEVELOP	68,100.00	97.61	9,365.58	58,734.42	13.75%
CLE SEMINAR COMMITTEE	500.00	-	92.39	407.61	18.48%
TELEPHONE	-	-	13.88	(13.88)	
TOTAL DIRECT EXPENSES:	344,426.00	10,786.55	62,067.10	282,358.90	18.02%
INDIRECT EXPENSES:					
SALARY EXPENSE (8.09 FTE)	557,997.00	45,078.61	284,929.50	273,067.50	51.06%
BENEFITS EXPENSE	214,152.00	16,090.83	103,307.15	110,844.85	48.24%
OTHER INDIRECT EXPENSE	199,917.00	15,720.65	108,002.92	91,914.08	54.02%
TOTAL INDIRECT EXPENSES:	972,066.00	76,890.09	496,239.57	475,826.43	51.05%
TOTAL ALL EXPENSES:	1,316,492.00	87,676.64	558,306.67	758,185.33	42.41%
NET INCOME (LOSS):	(398,992.00)	(57,007.14)	(279,162.42)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	876,000.00	30,669.50	278,644.25	597,355.75	31.81%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	-	500.00	41,000.00	1.20%
SHIPPING & HANDLING	1,000.00	36.00	232.68	767.32	23.27%
COURSEBOOK SALES	11,000.00	305.00	5,436.00	5,564.00	49.42%
MP3 AND VIDEO SALES	950,000.00	20,658.75	598,584.85	351,415.15	63.01%
TOTAL REVENUE:	1,879,500.00	51,669.25	883,397.78	996,102.22	47.00%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	3,000.00	17.77	208.06	2,791.94	6.94%
POSTAGE - FLIERS/CATALOGS	10,685.00	1,430.90	3,290.76	7,394.24	30.80%
POSTAGE - MISC./DELIVERY	2,500.00	105.00	280.00	2,220.00	11.20%
DEPRECIATION	5,540.00	1,030.00	3,936.12	1,603.88	71.05%
ONLINE EXPENSES	40,000.00	3,699.53	22,309.14	17,690.86	55.77%
ACCREDITATION FEES	4,696.00	(48.00)	2,050.00	2,646.00	43.65%
SEMINAR BROCHURES	20,770.00	2,783.27	7,111.56	13,658.44	34.24%
FACILITIES	223,500.00	6,400.00	38,730.10	184,769.90	17.33%
SPEAKERS & PROGRAM DEVELOP	68,100.00	97.61	9,365.58	58,734.42	13.75%
CLE SEMINAR COMMITTEE	500.00	-	92.39	407.61	18.48%
BAD DEBT EXPENSE	600.00	-	(523.00)	1,123.00	-87.17%
STAFF TRAVEL/PARKING	5,675.00	-	190.60	5,484.40	3.36%
STAFF MEMBERSHIP DUES	1,260.00	-	1,007.00	253.00	79.92%
SUPPLIES	3,650.00	-	186.17	3,463.83	5.10%
TELEPHONE	-	-	13.88	(13.88)	
COST OF SALES - COURSEBOOKS	1,200.00	23.05	462.96	737.04	38.58%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	18.69	205.45	294.55	41.09%
TOTAL DIRECT EXPENSES:	393,776.00	15,557.82	88,916.77	304,859.23	22.58%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.72 FTE)	656,422.00	53,916.53	337,833.15	318,588.85	51.47%
BENEFITS EXPENSE	254,178.00	19,255.95	122,783.60	131,394.40	48.31%
OTHER INDIRECT EXPENSE	240,197.00	18,892.13	129,791.36	110,405.64	54.04%
TOTAL INDIRECT EXPENSES:	1,150,797.00	92,064.61	590,408.11	560,388.89	51.30%
TOTAL ALL EXPENSES:	1,544,573.00	107,622.43	679,324.88	865,248.12	43.98%
NET INCOME (LOSS):	334,927.00	(55,953.18)	204,072.90		

Washington State Bar Association

Statement of Activities

For the Period from March 1, 2019 to March 31, 2019

50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	2,000.00	576.00	1,702.32	297.68	85.12%
DESKBOOK SALES	80,000.00	16,672.58	50,488.98	29,511.02	63.11%
SECTION PUBLICATION SALES	3,000.00	225.00	2,025.00	975.00	67.50%
CASEMAKER ROYALTIES	75,000.00	5,615.94	19,072.67	55,927.33	25.43%
TOTAL REVENUE:	160,000.00	23,089.52	73,288.97	86,711.03	45.81%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	50,000.00	14,510.56	41,116.74	8,883.26	82.23%
COST OF SALES - SECTION PUBLICATION	750.00	39.02	390.20	359.80	52.03%
SPLITS TO SECTIONS	1,000.00	-	398.60	601.40	39.86%
DESKBOOK ROYALTIES	1,000.00	-	659.92	340.08	65.99%
SHIPPING SUPPLIES	150.00	-	-	150.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	2,000.00	(420.24)	2,480.58	(480.58)	124.03%
FLIERS/CATALOGS	3,000.00	-	-	3,000.00	0.00%
POSTAGE - FLIERS/CATALOGS	1,500.00	-	-	1,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	2,113.08	2,524.62	(524.62)	126.23%
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	1,350.00	4,670.00	2,770.00	62.77%
STAFF MEMBERSHIP DUES	250.00	-	168.00	82.00	67.20%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	69,390.00	17,592.42	52,408.66	16,981.34	75.53%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.05 FTE)	117,663.00	10,286.94	60,557.30	57,105.70	51.47%
BENEFITS EXPENSE	48,981.00	3,868.18	23,792.86	25,188.14	48.58%
OTHER INDIRECT EXPENSE	50,659.00	3,991.71	27,423.42	23,235.58	54.13%
TOTAL INDIRECT EXPENSES:	217,303.00	18,146.83	111,773.58	105,529.42	51.44%
TOTAL ALL EXPENSES:	286,693.00	35,739.25	164,182.24	122,510.76	57.27%
NET INCOME (LOSS):	(126,693.00)	(12,649.73)	(90,893.27)		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	412.40	2,011.85	988.15	67.06%
CPF MEMBER ASSESSMENTS	982,000.00	15,780.00	993,780.00	(11,780.00)	101.20%
INTEREST INCOME	7,500.00	6,478.43	33,479.96	(25,979.96)	446.40%
TOTAL REVENUE:	992,500.00	22,670.83	1,029,271.81	(36,771.81)	103.70%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(130.65)	(327.20)	1,327.20	-32.72%
GIFTS TO INJURED CLIENTS	500,000.00	-	56,200.00	443,800.00	11.24%
CPF BOARD EXPENSES	3,000.00	126.89	461.20	2,538.80	15.37%
TOTAL DIRECT EXPENSES:	504,000.00	(3.76)	56,334.00	447,666.00	11.18%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	97,740.00	7,026.03	41,084.31	56,655.69	42.03%
BENEFITS EXPENSE	35,581.00	2,779.13	17,091.93	18,489.07	48.04%
OTHER INDIRECT EXPENSE	30,889.00	2,433.28	16,716.98	14,172.02	54.12%
TOTAL INDIRECT EXPENSES:	164,210.00	12,238.44	74,893.22	89,316.78	45.61%
TOTAL ALL EXPENSES:	668,210.00	12,234.68	131,227.22	536,982.78	19.64%
NET INCOME (LOSS):	324,290.00	10,436.15	898,044.59		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)					
REVENUE:					
REGISTRATION REVENUE	33,000.00	34,982.50	34,482.50	(1,482.50)	104.49%
OTHER ACTIVITIES REGISTRATION REVENUE	20,000.00	22,015.00	21,870.00	(1,870.00)	109.35%
WESTERN STATES BAR MEMBERSHIP DUES	3,200.00	200.00	3,000.00	200.00	93.75%
SPONSORSHIPS	12,000.00	7,700.00	7,700.00	4,300.00	64.17%
TOTAL REVENUE:	68,200.00	64,897.50	67,052.50	1,147.50	98.32%
DIRECT EXPENSES:					
FACILITIES	55,000.00	31,500.00	31,500.00	23,500.00	57.27%
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	-	1,000.00	0.00%
BANK FEES	-	-	1.00	(1.00)	
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	3,500.00	4,862.08	4,940.23	(1,440.23)	141.15%
MARKETING EXPENSE	800.00	111.23	163.27	636.73	20.41%
STAFF TRAVEL/PARKING	2,000.00	135.00	912.87	1,087.13	45.64%
TOTAL DIRECT EXPENSES:	62,800.00	36,608.31	37,517.37	25,282.63	59.74%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	62,800.00	36,608.31	37,517.37	25,282.63	59.74%
NET INCOME (LOSS):	5,400.00	28,289.19	29,535.13		

Washington State Bar Association
 Statement of Activities
 For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	472,490.00	5,575.00	434,959.37	37,530.63	92.06%
SEMINAR PROFIT SHARE	15,000.00	-	7,034.41	7,965.59	46.90%
INTEREST INCOME	1,900.00	-	-	1,900.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	2,432.73	1,567.27	60.82%
OTHER	50,750.00	2,423.00	19,454.75	31,295.25	38.33%
TOTAL REVENUE:	544,140.00	7,998.00	463,881.26	80,258.74	85.25%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	531,505.00	18,899.16	93,566.94	437,938.06	17.60%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	309,019.50	3,731.25	286,812.50	22,207.00	92.81%
TOTAL DIRECT EXPENSES:	840,524.50	22,630.41	380,379.44	460,145.06	45.26%
NET INCOME (LOSS):	(296,384.50)	(14,632.41)	83,501.82		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,868,980.00	1,037,582.00	5,969,190.96	5,899,789.04	50.29%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
TEMPORARY SALARIES	141,330.00	9,788.25	122,161.37	19,168.63	86.44%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(9,864.24)	(54,521.37)	(134,278.63)	28.88%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	2,400.00	2,400.00	50.00%
EMPLOYEE SERVICE AWARDS	2,230.00	520.00	1,912.60	317.40	85.77%
FICA (EMPLOYER PORTION)	879,000.00	77,187.10	423,049.20	455,950.80	48.13%
L&I INSURANCE	47,250.00	-	9,668.59	37,581.41	20.46%
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER PORTION)	-	1,506.72	4,402.76	(4,402.76)	
MEDICAL (EMPLOYER PORTION)	1,590,000.00	121,153.47	727,045.33	862,954.67	45.73%
RETIREMENT (EMPLOYER PORTION)	1,494,000.00	122,836.35	733,716.79	760,283.21	49.11%
TRANSPORTATION ALLOWANCE	119,250.00	355.00	106,753.20	12,496.80	89.52%
UNEMPLOYMENT INSURANCE	87,500.00	9,403.59	33,676.02	53,823.98	38.49%
STAFF DEVELOPMENT-GENERAL	6,900.00	134.60	604.39	6,295.61	8.76%
TOTAL SALARY & BENEFITS EXPENSE:	15,852,440.00	1,370,602.84	8,080,059.84	7,772,380.16	50.97%
WORKPLACE BENEFITS	39,000.00	13,285.07	27,164.23	11,835.77	69.65%
HUMAN RESOURCES POOLED EXP	102,400.00	8,852.46	35,950.45	66,449.55	35.11%
MEETING SUPPORT EXPENSES	12,500.00	1,358.67	6,488.03	6,011.97	51.90%
RENT	1,802,000.00	151,821.26	1,001,830.21	800,169.79	55.60%
PERSONAL PROP TAXES-WSBA	14,000.00	900.85	7,544.31	6,455.69	53.89%
FURNITURE, MAINT, LH IMP	35,200.00	2,034.62	11,299.61	23,900.39	32.10%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	2,037.44	30,657.73	15,342.27	66.65%
FURN & OFFICE EQUIP DEPRECIATION	51,300.00	7,698.00	25,401.78	25,898.22	49.52%
COMPUTER HARDWARE DEPRECIATION	51,800.00	5,583.00	22,846.00	28,954.00	44.10%
COMPUTER SOFTWARE DEPRECIATION	162,700.00	9,310.00	56,316.00	106,384.00	34.61%
INSURANCE	143,000.00	11,916.18	71,497.08	71,502.92	50.00%
PROFESSIONAL FEES-AUDIT	35,000.00	-	31,669.20	3,330.80	90.48%
PROFESSIONAL FEES-LEGAL	50,000.00	9,865.14	97,411.87	(47,411.87)	194.82%
TELEPHONE & INTERNET	47,000.00	3,650.91	21,973.03	25,026.97	46.75%
POSTAGE - GENERAL	36,000.00	1,569.67	11,910.64	24,089.36	33.09%
RECORDS STORAGE	40,000.00	3,994.74	25,271.52	14,728.48	63.18%
STAFF TRAINING	95,245.00	3,309.26	32,962.15	62,282.85	34.61%
BANK FEES	35,400.00	2,488.03	19,204.51	16,195.49	54.25%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	1,121.22	3,650.72	8,349.28	30.42%
COMPUTER POOLED EXPENSES	667,610.00	32,471.34	336,658.75	330,951.25	50.43%
TOTAL OTHER INDIRECT EXPENSES:	3,478,155.00	273,267.86	1,877,707.82	1,600,447.18	53.99%
TOTAL INDIRECT EXPENSES:	19,330,595.00	1,643,870.70	9,957,767.66		

Washington State Bar Association
Statement of Activities
For the Period from March 1, 2019 to March 31, 2019
50.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,958,200.00	1,430,629.85	8,123,046.78	7,835,153.22
ACCESS TO JUSTICE	(327,324.00)	(23,658.68)	(147,240.58)	(180,083.42)
ADMINISTRATION	(1,043,654.00)	(41,599.50)	(424,793.95)	(618,860.05)
ADMISSIONS/BAR EXAM	69,421.00	113,034.67	311,538.05	(242,117.05)
BOARD OF GOVERNORS	(834,709.00)	(100,903.75)	(452,604.74)	(382,104.26)
COMMUNICATIONS	(604,832.00)	(53,224.18)	(322,786.19)	(282,045.81)
CONFERENCE & BROADCAST SERVICES	(783,893.00)	(66,209.89)	(406,540.22)	(377,352.78)
DISCIPLINE	(5,788,075.00)	(479,807.98)	(2,896,170.72)	(2,891,904.28)
DIVERSITY	(445,817.00)	(47,038.02)	(146,886.50)	(298,930.50)
FOUNDATION	(164,863.00)	(13,941.73)	(81,267.33)	(83,595.67)
HUMAN RESOURCES	(204,958.00)	(32,535.20)	(201,067.72)	(3,890.28)
LAP	(132,499.00)	(9,689.26)	(66,930.99)	(65,568.01)
LEGISLATIVE	(154,066.00)	(13,401.58)	(80,107.44)	(73,958.56)
LICENSING AND MEMBERSHIP	(377,789.00)	(24,856.51)	(149,863.39)	(227,925.61)
LIMITED LICENSE LEGAL TECHNICIAN	(241,191.00)	(18,468.16)	(120,712.63)	(120,478.37)
LIMITED PRACTICE OFFICERS	(171,653.00)	(13,829.66)	(84,568.08)	(87,084.92)
MANDATORY CLE ADMINISTRATION	176,571.00	51,406.02	239,369.81	(62,798.81)
MEMBER BENEFITS	(260,707.00)	(24,033.25)	(162,395.76)	(98,311.24)
MEMBER SERVICES & ENGAGEMENT	(420,479.00)	(42,041.94)	(166,683.96)	(253,795.04)
NW LAWYER	(197,103.00)	2,858.23	(111,356.21)	(85,746.79)
OFFICE OF GENERAL COUNSEL	(941,756.00)	(66,366.54)	(416,089.75)	(525,666.25)
OGC-DISCIPLINARY BOARD	(290,573.00)	(19,936.84)	(125,357.62)	(165,215.38)
OUTREACH & ENGAGEMENT	(401,898.00)	(35,511.15)	(199,538.20)	(202,359.80)
PRACTICE OF LAW BOARD	(90,063.00)	(4,863.67)	(28,439.90)	(61,623.10)
PROFESSIONAL RESPONSIBILITY PROGRAM	(265,570.00)	(21,782.02)	(135,282.03)	(130,287.97)
PUBLICATION & DESIGN SERVICES	(146,865.00)	(11,949.21)	(81,637.40)	(65,227.60)
PUBLIC SERVICE PROGRAMS	(262,919.00)	(10,630.52)	25,637.91	(288,556.91)
LAW CLERK PROGRAM	11,985.00	(4,669.45)	79,267.99	(67,282.99)
SECTIONS ADMINISTRATION	(224,315.00)	(38,714.14)	16,535.41	(240,850.41)
TECHNOLOGY	(1,540,222.00)	(139,941.70)	(840,069.33)	(700,152.67)
CLE - PRODUCTS	733,919.00	1,053.96	483,235.32	250,683.68
CLE - SEMINARS	(398,992.00)	(57,007.14)	(279,162.42)	(119,829.58)
SECTIONS OPERATIONS	(296,384.50)	(14,632.41)	83,501.82	(379,886.32)
DESKBOOKS	(126,693.00)	(12,649.73)	(90,893.27)	(35,799.73)
CLIENT PROTECTION FUND	324,290.00	10,436.15	898,044.59	(573,754.59)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	5,400.00	28,289.19	29,535.13	(24,135.13)
INDIRECT EXPENSES	(19,330,595.00)	(1,643,870.70)	(9,957,767.66)	(9,372,827.34)
TOTAL OF ALL	19,190,671.50	1,450,056.44	7,886,501.18	11,304,170.32
NET INCOME (LOSS)	139,923.50	193,814.26	2,071,266.48	

**Washington State Bar Association
Analysis of Cash Investments
As of March 31, 2019**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 599,544

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.47%	\$ 7,431,778
UBS Financial Money Market	2.45%	\$ 583,305
Morgan Stanley Money Market	2.32%	\$ 26,434
Merrill Lynch Money Market	2.30%	\$ 1,935,963
Long Term Investments	Varies	\$ 3,344,288
Short Term Investments	Varies	\$ 4,480,000

General Fund Total \$ 18,401,311

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 1,122,153

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.47%	\$ 3,318,920
Morgan Stanley Money Market	2.12%	\$ 105,116
Wells Fargo Investments	Varies	\$ -

Client Protection Fund Total \$ 4,546,189

Grand Total Cash & Investments \$ 22,947,501

**Washington State Bar Association
Analysis of Cash Investments
As of March 31, 2019**

Long Term Investments- General Fund

<u>UBS Financial Long Term Investments</u>	<u>Value as of 3/31/2019</u>
Nuveen 3-7 year Municipal Bond Portfolio	\$ 320,761.62

<u>Morgan Stanley Long Term Investments</u>	<u>Value as of 3/31/2019</u>
Lord Abbett Short Term Duration Income Fund	\$ 809,092.23
Guggenheim Total Return Bond Fund	\$ 1,118,201.55
Virtus Multi-Sector Short Term Bond Fund	\$ 1,096,232.45
	<u>\$ 3,023,526.23</u>

Total Long Term Investments- General Fund 3,344,287.85

Short Term Investments- General Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Amount</u>
Radius Bank	2.30%	2.30%	4 months	5/31/2019	250,000.00
Mizrahi Tefahot Bank	2.30%	2.30%	3 months	6/12/2019	250,000.00
Customers Bank	2.30%	2.30%	3 months	6/14/2019	250,000.00
Fidelity Bank Atlanta	2.30%	2.30%	4 months	7/15/2019	250,000.00
Pacific Premier Bank	2.30%	2.30%	4 months	7/15/2019	250,000.00
City National Bank	2.40%	2.40%	6 months	7/18/2019	240,000.00
Stifel Bank & Trust	2.40%	2.40%	4 months	7/26/2019	250,000.00
Bank of Baroda	2.30%	2.30%	6 months	7/30/2019	250,000.00
Valley National Bank	2.30%	2.30%	6 months	7/30/2019	250,000.00
Old National Bank	2.35%	2.35%	6 months	8/15/2019	250,000.00
Banc of California	2.35%	2.35%	6 months	9/11/2019	250,000.00
Western Alliance Bank	2.30%	2.30%	6 months	9/16/2019	250,000.00
Citizens Bank Rhode Island	2.40%	2.40%	6 months	9/20/2019	250,000.00
Umpqua Bank	2.50%	2.50%	8 months	9/23/2019	250,000.00
Bank of NY Mellon	2.45%	2.45%	9 months	10/15/2019	250,000.00
UBS Bank	2.50%	2.50%	9 months	10/16/2019	240,000.00
Investors Bank	2.55%	2.55%	9 months	10/18/2019	250,000.00
US Bank National Association	2.45%	2.45%	9 months	11/6/2019	250,000.00

Total Short Term Investments- General Fund 4,480,000.00

Client Protection Fund

<u>Bank</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Term Mths</u>	<u>Maturity Date</u>	<u>Amount</u>
Total CPF					<u><u>-</u></u>

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Tiffany Lynch, Associate Director for Finance

Re: Investment Update as of March 31 and April 30, 2019

Date: May 3, 2019

WSBA's investments consist of short and long-term bond portfolios, and are managed by our advisors at Morgan Stanley and UBS Financial. There has been no change in the makeup of the portfolio since the last report.

In June 2016, the Budget and Audit Committee set an investment gain threshold of \$100,000, which authorizes the transfer of portfolio gains into WSBA's operating accounts. The threshold is based on the value of the portfolio at the end of each month and was established to ensure that portfolio gains could be realized in cash for operations instead of increasing the long-term investment portfolio. As of March 31, the portfolio balance had reached the threshold for transfer, with a gain since inception of \$116,273, and \$100,000 was cashed out of the Lord Abbett & Company Short Term Duration Income Fund on April 17. As of April 30, 2019 there is an aggregate gain across all funds of \$24,974, or 0.77%.

TOTAL INCEPTION VALUE OF ALL FUNDS	\$3,228,015
TOTAL VALUE OF ALL FUNDS AS OF 4/30/19	\$3,252,989
GAIN/(LOSS) SINCE INCEPTION (\$ and %)	\$24,974, 0.77%

The chart below details value by fund at inception, transfers of portfolio gains above \$100,000 to the WSBA's general fund operating accounts per the Budget and Audit Committee's June 2016 direction, end of month for the periods of February, March, and April, and Gain/(Loss) from April 30, 2018 to April 30, 2019:

INVESTMENT FUND	VALUE					GAIN/(LOSS)
	Inception	Transfer of Gains	2/28/19 (Previously Reported)	3/31/19	4/30/19	4/30/18 – 4/30/19
Nuveen 3-7 year Municipal Bond Portfolio	\$500,000	(\$200,000) ¹	\$315,730	\$320,762	\$321,180	\$16,594
Lord Abbett & Company Short Term Duration Income Fund	\$628,015 ²	(\$100,000) ⁴	\$802,658	\$809,092	\$711,419	(\$68,989)
Guggenheim Total Return Bond Fund	\$1,050,000 ³	\$0	\$1,105,169	\$1,118,202	\$1,117,807	\$28,346
Virtus Multi-Sector Short Term Bond Fund	\$1,050,000 ³	\$0	\$1,090,279	\$1,096,232	\$1,102,583	\$31,446
Total	\$3,228,015	(\$300,000)	\$3,313,836	\$3,344,288	\$3,252,989	\$7,397

¹ Transfer of \$200,000 made on November 22, 2017.

² Inception value is based on original amount of \$1,428,015 (\$500,000 original purchase price of Lord Abbett, plus \$599,995 Legg Mason fund transferred on May 9, 2014, plus \$328,000 liquidation of Hays Advisory Fund on March 3, 2015) minus \$800,000 that was redistributed evenly to Guggenheim and Virtus on September 19, 2017.

³ Inception value is \$1,050,000 based on original purchase price is \$650,000 plus \$400,000 re-distributed from Lord Abbett on Sept 19, 2017.

⁴ Transfer of \$100,000 made on April 17, 2019.



**Board of Governors Meeting
Courtyard by Marriott
Richland, WA
July 26-27, 2019**

WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

FRIDAY, JULY 26, 2019

GENERAL INFORMATION XX

AGENDA XX

8:00 A.M. – PUBLIC SESSION

- Welcome
- President’s Report and Executive Director’s Report

8:15 A.M. – MEMBER AND PUBLIC COMMENTS (guests’ issues of interest)

8:30 A.M. – BUDGET AND AUDIT COMMITTEE RECOMMENDATIONS – Governor/Treasurer Dan Bridges; Ann Holmes, Chief Operations Officer; and Tiffany Lynch; Associate Director of Finance

- Draft WSBA FY2020 Budget (first reading)..... XX

10:00 A.M. - RECESS

10:15 A.M. – SELECTION OF 2019-2020 WSBA TREASURER (action)

COMMITTEE ON WSBA MISSION PERFORMANCE AND REVIEW RECOMMENDATIONS – Governor Rajeev Majumdar, Chair (first reading) XX

APPOINT CHAIRS AND VICE-CHAIRS TO WSBA COMMITTEES AND BOARDS (action)..... XX

12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS (Local Hero Awards)

1:00 P.M. – UPDATE FROM BOG MEMBERS OF THE WASHINGTON SUPREME COURT WSBA STRUCTURE WORKGROUP – Governors Dan Clark, Kyle Sciuchetti, and Paul Swegle..... XX

UPDATE FROM PERSONNEL COMMITTEE RE WSBA BOG NO RETALIATION POLICY – Governor Chris Meserve, Chair, and Frances Dujon-Reynolds, Director of Human Resources XX

BOG COMMITTEE REPORT ON DIRECT STAKEHOLDER INPUT RE RECOMMENDATIONS FROM CIVIL LITIGATION RULES DRAFTING TASK FORCE – Governor/Treasurer Dan Bridges (action)XX

PROPOSED AMENDMENTS TO RPC 1.15A(h)(9) RE SAFEGUARDING PROPERTY –
Julie Shankland, General Counsel (action) XX

5:00 P.M. – RECESS

SATURDAY, JULY 27, 2019

PUBLIC SESSION (continued)

8:00 A.M. – CONSENT CALENDAR..... XX
a. May 16-17, 2019, Executive Session Minutes XX
b. May 16-17, 2019, Public Session Minutes XX

8:15 A.M. – GOVERNOR ROUNDTABLE (Governors’ issues of interest)

8:30 A.M. – ANNOUNCE BASIS FOR EXECUTIVE SESSION (tentative)

INFORMATION

a. Interim Executive Director’s Report XX
b. FY2019 Third Quarter Management Report..... XX
c. Demographics of WSBA Committee Applicants XX
d. Court Rules and Procedures Committee Report XX
e. Access to Justice Board Report..... XX
f. ABA 2019 Annual Meeting Summary of Resolutions XX
g. Diversity and Inclusion Events XX
h. Financial Statements

PREVIEW OF SEPTEMBER 26-27, 2019, MEETING XX

5:00 P.M. - ADJOURN

2019-2020 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Access to Justice Board Annual Report (Information)
- Financials
- FY2018 Fourth Quarter Management Report
- 2018-2019 Legislative Priorities
- 2018-2019 Legislative Review Committee Recommendations
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (ED Report Information)
- WSBF Annual Report

JANUARY (Seattle)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CPF) Annual Report
- Financials
- FY2018 Audited Financial Statements
- FY2019 First Quarter Management Report
- Legislative Session Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)

MARCH (Olympia)

Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

March 2018 Agenda Items:

- BOG Civil Litigation Rules Committee Report
- Mandatory Malpractice Insurance Final Report

May (Yakima)

Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2019 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- Outside Appointments (if any)
- WSBA APEX Awards Committee Recommendations (Executive Session)

JULY (Richland)

Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2020 Budget
- FY2019 Third Quarter Management Report
- Office of Disciplinary Counsel Report (ED Report Information – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

SEPTEMBER (Seattle)

Standing Agenda Items:

- 2020 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2020 Budget
- Legal Foundation of Washington and LAW Fund Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

Board of Governors – Action Timeline

Description of Matter/Issue	First Reading	Scheduled for Board Action
Recommendations from BOG Civil Litigation Rules Committee	March 7, 2019	July 26-27, 2019
Proposed Amendments to RPC 1.15A(h)(9) re Safeguarding Property	May 16-17, 2019	July 26-27, 2019
WSBA FY2020 Budget	July 26-27, 2019	Sept 26-27, 2019
Committee on WSBA Mission Performance and Review Recommendations	July 26-27, 2019	Sept 26-27, 2019