

WASHINGTON STATE
B A R A S S O C I A T I O N

Board of Governors Meeting
Meeting Materials

January 16-17, 2020
WSBA Conference Center
Seattle, Washington



**Board of Governors Meeting
WSBA Conference Center
Seattle, WA
January 16-17, 2020**

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

ALL ITEMS ON THIS AGENDA ARE POTENTIAL ACTION ITEMS

To participate remotely: dial 1.866.577.9294, access code 52810#

THURSDAY, JANUARY 16, 2020

9:00 AM – CALL TO ORDER

CONSENT CALENDAR & STANDING REPORTS

WELCOME

CONSENT CALENDAR

A governor may request that an item be removed from the consent calendar without providing a reason and it will be discussed immediately after the consent calendar. The remaining items will be voted on *en bloc*.

- Review & Approval of November 22-23, 2019 BOG Meeting Minutes..... 7
- Review & Approval of December 16, 2019 BOG Meeting Minutes..... 15

PRESIDENT’S REPORT

INTERIM EXECUTIVE DIRECTOR’S REPORT 17

MEMBER AND PUBLIC COMMENTS (30 minutes reserved)

Overall public comment is limited to 30 minutes and each speaker is limited to 3 minutes. The President will provide an opportunity for public comment for those in the room and participating remotely. Time will be kept on the clock above the webcast booth. Public comment will also be permitted at the beginning of each agenda item at the President’s discretion.

REPORTS OF STANDING OR ONGOING BOG COMMITTEES

Committees may “pass” if they have nothing to report. Related agenda items will be taken up later on the agenda. Each committee is allocated, on average, 3-4 minutes.

- Executive Committee, Pres. Rajeev Majumdar, Chair
- APEX Awards Committee, Gov. Russell Knight, Chair
- Budget & Audit Committee, Treas. Dan Clark, Chair 39
- Personnel Committee, Gov. Alec Stephens, Chair
- Legislative Committee, Gov. Kyle Sciuchetti, Chair
- Nominations Review Committee, Gov. Jean Kang & Pres-elect Kyle Sciuchetti, Co-Chairs
- Diversity Committee, Gov. Jean Kang, Co-Chair
- Long-Range Planning Committee, Gov. Paul Swegle, Chair
- Member Engagement Workgroup, Govs. Kim Hunter and Dan Clark, Co-Chairs

SPECIAL REPORTS

- REPORTS OF TASK FORCES, WORK GROUPS, LIAISONS, AND OTHER WSBA ENTITIES**
 - ABA Mid-Year Meeting Preview, WSBA ABA Delegate Maureen Mitchell 49
 - Client Protection Fund (CPF) Annual Report, Acting Chair Carrie Umland 53
- GOVERNOR LIAISON REPORTS**
This is an opportunity for Governors to make reports related to their liaison assignments.

AGENDA ITEMS & UNFINISHED BUSINESS

- PERSONNEL COMMITTEE MATTERS**, Gov. Alec Stephens, Chair and Director of Human Resources
Felix Neals
 - SECOND READ: Partial Proposed Amendment To WSBA Bylaws Re: Executive Director Term Limit
..... 90
- PROPOSED TECHNICAL AMENDMENTS TO APR 8(b) TO CORRECTLY IDENTIFY THE LEGAL OFFICES
& SERVICES THAT ASSIST MILITARY PERSONNEL**, Chief Regulatory Counsel Jean McElroy..... 94

12:00PM – LUNCH WITH LIAISONS AND OTHER GUESTS

AGENDA ITEMS & UNFINISHED BUSINESS

- LEGISLATIVE COMMITTEE MATTERS**, Gov. Kyle Sciuchetti and Outreach and Legislative Affairs
Manager Sanjay Walkevar
 - Legislative Session Report..... 99
 - Legislative Review Committee Policies & Procedures..... 101
- APPOINTMENT TO CLIENT PROTECTION BOARD**, Pres-elect Kyle Sciuchetti..... 103
- PROPOSED AMENDMENTS TO WSBA BYLAWS**
 - SECOND READ: Article II Re: Definition of Quorum 130
 - SECOND READ: Articles IV & VI Re: Board Terms, Composition, and Elections
 - Report of Gov. Knight on the Form of the Proposal for a Bylaw re: Board Terms,
Composition, and Elections 106, 116, 132
 - SECOND READ: Article VII Re: Executive Committee Composition 135
 - SECOND READ: Article XI Re: Sections 111, 137
 - Report of the Ad-Hoc Advisory Committee on the Form of the Proposal for a Bylaw re:
Sections and Public Positions, Gov. Carla Higginson..... 113
 - FIRST READ: Article III Re: Judicial Status, Gov. Kim Hunter and Chief Regulatory Counsel Jean
McElroy 141
- UPDATE ON MANDATORY MALPRACTICE INSURANCE**, Pres. Rajeev Majumdar 232
- PRESENTATION ON OFFICE OF GENERAL COUNSEL’S ROLE IN DISCIPLINARY PROCEEDINGS**,
General Counsel Julie Shankland..... 234

5:00PM – RECESS

9:00 AM – RESUME MEETING

AGENDA ITEMS & UNFINISHED BUSINESS

- PROPOSED RULEMAKING RE: CIVIL ARRESTS IN CONNECTION WITH JUDICIAL PROCEEDINGS**
 - Brenda Rodriguez, Co-Director, Washington Immigrant Solidarity Network; Vanessa Torres Hernandez, Policy Director, Northwest Justice Project; Annie Benson, Senior Directing Attorney, Washington Defender Association; and Enoka Herat, Police Practices and Immigration Counsel, ACLU of Washington 253
 - Committee on Professional Ethics Chair Don Curran, CPE Member Pamela H. Anderson, CPE Member Asel Neutze 344
- PROPOSED POLICY RE PROCESS FOR BRINGING MATTERS TO THE BOG, Interim Executive Director Terra Nevitt..... 358**

NEW BUSINESS

- GOVERNOR ROUNDTABLE (Governors’ issues of interest)**

11:30PM – RECESS TO ATTEND THE KING COUNTY BAR ASSOCIATION REVEREND DR. MARTIN LUTHER KING, JR. ANNUAL LUNCHEON

1:45 PM – RESUME MEETING

EXECUTIVE SESSION

- ANNOUNCE BASIS FOR EXECUTIVE SESSION PURSUANT TO RCW 42.30.110(1)(i) (if needed)**
- LLLT CANDIDATE EDUCATION**

4:00 PM – ADJOURN

INFORMATION

- General Information 369
- Monthly Financial Statements 377
- WSBA Sections Annual Reports 459
- WSBF FY19 Treasurer’s Report 568

2019-2020 Board of Governors Meeting Issues

MARCH (Olympia)

Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Legislative Report
- Committee on Professional Ethics Report
- Financials (Information)
- Supreme Court Meeting
- FY2020 Second Quarter Outreach & Perception Survey Update (ED Report)

APRIL (Seattle)

Standing Agenda Items:

- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)
- Continuing Legal Education Committee Report

MAY (Bellingham)

Standing Agenda Items:

- Legislative Report/Wrap-up
- Council on Public Defense Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- WSBA APEX Awards Committee Recommendations
- Financials (Information)
- FY2020 Third Quarter Outreach & Perception Survey Update (ED Report)
- Office of Disciplinary Counsel Report (ED Report)

JULY (Stevenson)

Standing Agenda Items:

- Draft WSBA FY2021 Budget
- WSBA Treasurer Election
- Court Rules and Procedures Committee Report and Recommendations
- WSBA Committee and Board Chair Appointments
- BOG Retreat
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

AUGUST (Spokane)

Standing Agenda Items:

- Financials (Information)
- Diversity Committee Report
- Office of Disciplinary Counsel Report (ED Report)
- FY2020 Third Quarter Outreach & Perception Survey Update (ED Report)

SEPTEMBER (Seattle)

Standing Agenda Items:

- Final FY2021 Budget
- 2021 Keller Deduction Schedule
- WSBF Annual Meeting and Trustee Election
- ABA Annual Meeting Report
- Legal Foundation of Washington Annual Report
- Washington Law School Deans
- Editorial Advisory Committee Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation
- Financials (Information)
- WSBA Annual Awards Dinner

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes

Seattle, WA

November 22-23, 2019

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Rajeev D. Majumdar on Friday, November 22 at 9:00 AM at the offices of the Washington State Bar Association, Seattle, Washington. Governors in attendance were:

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

Also in attendance were Immediate Past President William D. Pickett, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Director of Human Resources Felix Neals, Chief Communications and Outreach Officer Sara Niegowski, Chief Financial Officer Jorge Perez, Interim Director of Advancement Kevin Plachy, and Executive Administrator Shelly Bynum. Also present were Jean Cotton (Domestic Relations Attorneys of Washington), Tamara Garrison (LLLT/1L Law Student), Mel Simburg (ADR Section), Jennifer Ortega (LLLT, Low Bono Section), Scott MacCormack (Business Law Section), James E. Macpherson (Washington Defense Trial Lawyers), Laura Bradley (Access to Justice Board, Board of Industrial Insurance Appeals), Nancy Hawkins (WSBA Family Law Executive Committee Liaison), and Roger Leishman.

The meeting was called to order by Pres. Majumdar at 9:08 AM.

Anti-Harassment Training

The Board received its annual anti-harassment training, conducted by Julie Lucht of Perkins Coie.

Welcome

President Majumdar welcomed all attendees. He explained that Governor Sculichetti and Interim Executive Director Nevitt testified in Olympia this morning and will arrive soon. He also explained that member and public comments will be limited to 3 minutes for each speaker. He noted that governors will also be limited to 3 minutes for initial comments.

Consent Calendar

Governor Grabicki made a motion to approve all of the items on the consent calendar. The motion passed unanimously.

President's Report

President Majumdar reported on his activities.

Member and Public Comments

The Board received public comment from Roger Leishman, Nancy Hawkins, Jean Cotton, and James McPherson.

Reports of Standing or Ongoing BOG Committees

Executive Committee

The Executive Committee will be taking over the annual program review function from the WSBA Committee on Mission Performance Review (CMPR).

APEX Awards Committee

The Committee will soon be soliciting award nominations.

Budget & Audit Committee

This report will be included in the action items later on the agenda.

Personnel Committee

This report will be included in the action items later on the agenda.

Legislative Committee

This report was deferred until later in the meeting because Governor Sculichetti had not yet arrived.

Nominations Review Committee

This Committee will be meeting later today.

Diversity Committee

This Committee met twice and reported on pipeline programming and network events.

Long-Range Planning Committee

This Committee plans to meet in December.

Member Engagement Work Group

This Committee met twice and is reviewing its charter and gathering input.

Lunch with Washington Leadership Institute (WLI) Fellows

Over lunch, the Board received a presentation on the community service project of the 2019 WLI fellows.

Reports of Task Forces, Work Groups and Liaisons

Judicial Information Systems Committee Update

Robert Taylor, WSBA Liaison to the Judicial Information System Committee (JISC) updated the Board on the work of the Committee, including the successful implementation of the Odyssey system in the Superior Courts, which has been launched in all but Pierce and King Counties. Taylor showed a diagram of the current state of Washington's Judicial Information Systems. He also highlighted charging for e-filing as an area of concern for the Access to Justice Board. Discussion followed, including public comment. Pres. Majumdar indicated that he would be creating an ad-hoc group of interested governors to work with Taylor on an ongoing basis.

Washington State Bar Foundation Annual Report

Washington State Bar Foundation President Kristina Larry presented the annual report of the Washington State Bar Foundation as provided in the materials. Pres. Majumdar provided an overview of the Washington State Bar Foundation and its role with the Washington State Bar Association. Discussion followed.

Budget & Audit Committee Matters

Bank Resolution Authorizing Banking Relationships

Treas. Clark presented the Bank Resolution provided in the materials for the approval of the Board. Motion passed unanimously. Govs. Swegle and Tollefson were not present.

Approval of the 2021 License Fee

Treas. Clark presented the recommendation of the Budget & Audit Committee as provided in the materials to set the license fee for 2021 only and to maintain the license fees for all members at

the same level. Treas. Clark noted his disagreement with the recommendation with respect to the LLLT License Fee and recommended an increase to \$229. Gov. Knight moved to approve Treas. Clark's recommendation that the license fee for lawyers remain the same, and that the license fee for LLLT's be increased by a small proportionate amount to \$229.. Discussion followed. Treas. Clark made a friendly amendment to maintain the LPO license fee at the same level, which was accepted by Gov. Knight. Gov. Stephens made a motion to divide the motion and requested that the Board take action on fees for active attorneys and LPOs and postpone action on the LLLT fee until the next meeting. The motion failed due to lack of a second. Gov. Knight called the question ending the discussion. Motion passed 13-1. Treas. Clark restated the motion as adopt the recommendation of the Budget & Audit Committee except to increase the LLLT license fee to \$229. Motion passed 12-1. Gov. Stephens abstained.

Recommendation to Reduce the Client Protection Fund Assessment

Treas. Clark presented the recommendation of the Budget & Audit Committee as provided in the materials to reduce the Client Protection Fund assessment by \$5, from \$30 to \$25. Gov. McBride moved the recommendation. Discussion followed, including member comment. Treas. Clark called the question. Motion passed unanimously. Gov. Hunter was not present for the vote. The underlying motion passed unanimously. Gov. Hunter was not present for the vote.

\$5,000 Budget Request to Increase Funding for a Contract Lobbyist; \$10,000 Budget Request for Strategic Training & Planning for Public Outreach Campaign

Treas. Clark presented these two items together. Gov. Grabicki moved to approve the recommendations from the Budget & Audit Committee. Discussion followed, including public comment. Gov. Grabicki restated his motion to approve \$10,000 budget request for communications and a \$50,000 allocation for lobbying and legislative outreach with the proviso that whether or not it gets spent in total will be up to the President, Executive Director and President-elect who coordinates our legislative efforts. The restatement was accepted by the second. Gov. Higginson called the question. The motion passed unanimously. Gov. Swegle was not present for the vote. The underlying motion passed 11-1. Govs. Clark and Knight abstained. Gov. Swegle was not present for the vote.

Governor and Officer Travel Policy

Interim Executive Director Nevitt presented this item as provided in Late Late Materials. Gov. Grabicki moved to approve the recommendation of the Budget & Audit Committee. Discussion followed. The President clarified that any travel taken last year under that specific budget allocation for Western States was specific to that allocation and would not affect travel under this policy. Gov. Knight moved to amend the proposal to allow governors to attend one conference per year. Motion failed 6-7. Gov. Hunter was not present for the vote. Gov. Stephens moved to call the question. Motion passed unanimously. The underlying motion passed 9-4. Gov. Hunter was not present for the vote.

Personnel Committee Matters

First Read: Partial Proposed Amendment to WSBA Bylaws

Gov. Stephens introduced the proposed amendment to the Bylaws as provided in the materials, including his recommendation to change the placement of the amendment within the WSBA Bylaws. Discussion followed.

1-Year Extension of Terra Nevitt as Interim Executive Director

Gov. Stephens made a motion to extend Terra Nevitt's contract as Interim Executive Director for 1 year from today. The motion passed unanimously.

Executive Committee Matters: Proposed Amendments to Executive Committee Charter

Pres. Majumdar presented the revised charter for the Executive Committee as provided in the materials. Treas. Clark moved to adopt the revised charter. Motion passed unanimously without discussion. Govs. Hunter and Grabicki were not present for the vote.

Legislative Committee Matters

2019-2020 Legislative Review Committee Recommendations

Gov. Sciuchetti introduced John Reed and Diane Lourdes Dick of the Business Law Section's Corporate Act Revision Committee to present on two proposals for 2020 Bar-request legislation as requested by the WSBA Business Law Section and recommended by the WSBA Legislative Review Committee. Reed provided an overview of proposed amendments to the Washington Business Corporation Act provisions regarding preemptive rights, cumulative voting, and approval of asset sales to align with Model Business Corporation Act as provided in the materials. Dick presented an overview of proposed amendments to the Washington Business Corporation Act to add a board gender diversity provision as provided in the materials. Discussion followed regarding the gender diversity proposal. Gov. Higginson moved to direct the proposal regarding gender diversity to the Board's Legislative Committee for further review. Motion passed unanimously. Gov. Grabicki was not present for the vote.

Additional discussion, including public comment, took place regarding the proposal with regard to preemptive rights, cumulative voting, and approval of asset sales. Gov. Stephens moved to approve the proposal. Motion passed unanimously. Gov. Higginson abstained. Gov. Grabicki was not present for the vote.

2019-2020 Legislative Priorities

Gov. Sciuchetti presented the 2019-2020 Legislative Priorities as provided in the materials. Gov. Stephens moved for adoption. Motion passed unanimously. Govs. Higginson and Hunter abstained. Gov. Grabicki was not present for the vote.

Council on Public Defense Matters

Proposed Appellate Guidelines

Gideon Newmark provided an overview of the proposal from the Council on Public Defense as provided in the materials, including changes since the *Guidelines* were presented in September 2019. Discussion followed. Gov. Higginson moved to approve the guidelines with removal of the words "zealous" and the words "courage and devotion." Upon request, Gov. Higginson and her second agreed to sever the motion. Discussion followed. Motion to remove the word zealous passed 9-3. Gov. Grabicki was not present for the vote. Motion to remove the words courage and devotion passed 9-3. Gov. Grabicki was not present for the vote.

Proposed Defender Resource Guide

CPD Member Jaime Hawk presented the *Defender Resource Guide* as proposed by the Council on Public Defense in the materials. Discussion followed. Gov. Higginson moved to approve the proposal. Motion passed unanimously. Gov. Grabicki was not present for the vote.

Proposal RE: WSBA Magazine Name

Gov. Higginson and Chief Communications Officer Niegowski presented the proposal to change the name of the magazine from Northwest Lawyer to Washington State Bar News, including feedback received from the membership. The Board took public comment and had discussion. Gov. Higginson moved the proposal. Motion passed unanimously with Gov. Stephens abstaining. Gov. Grabicki was not present for the vote.

2020 Meeting Schedule Resolution

General Counsel Shankland introduced the resolution as provided in the materials. Gov. Higginson moved to approve the resolution. Discussion followed, including public comment. With the agreement of her second, Gov. Higginson amended her motion to approve the resolution with the addition of the Budget & Audit meetings and to allow for staff to add any additional meetings that have been scheduled for 2020. Motion passed unanimously. Gov. Grabicki was not present for the vote.

Proposed Policy RE: Potential Conflicts in Governor/Officer Roles

Pres. Majumdar introduced his proposed policy regarding conflicts that may arise when a governor is serving in the role of acting President as provided in the materials. Gov. Stephens moved approval of the policy. Motion passed unanimously. Governor Grabicki was not present for the vote.

Alternative Dispute Resolution Section Proposed Bylaws Amendments

ADR Section Chair-elect Mel Simburg presented the ADR Section's proposed bylaws amendments. Gov. Swegle moved to approve the proposed bylaws amendments. Motion passed unanimously without discussion. Gov. Grabicki was not present for the vote.

Business Law Section Third-Party Legal Opinions

Business Law Section Chair-elect Diane Dick and Legal Opinions Committee member Scott MacCormack presented the request for approval of the Third-Party Legal Opinions Report as presented in the materials. Discussion followed. Gov. Swegle moved for approval of the report with amendment to include a reference to ethical obligations under Rule of Professional Conduct 2.3. Motion passed unanimously. Gov. Grabicki was not present for the vote.

Proposed Amendments to WSBA Bylaws

First Read: Article II RE: Definition of Quorum

Gov. Stephens presented the proposed amendment as provided in the materials. There was no discussion or public comment.

First Read: Article IV & VI RE: Board Terms, Composition, and Elections

Pres. Majumdar presented the proposed amendment as provided in the materials. The Board took public comment and had discussion.

First Read: Article VII RE: Executive Committee Composition

Gov. Stephens presented the proposed amendment. There was no public comment. Discussion followed.

First Read: Article XI RE: Sections

Pres. Majumdar presented the proposed amendment as provided in the materials. The Board took public comment. Discussion followed. Pres. Majumdar established an ad hoc committee to further explore the issue and propose amendments for the Executive Committee's review. Pres. Majumdar appointed Govs. Higginson, McBride, Sciuchetti and Stephens and WSBA members Nancy Hawkins and Jean Cotton on making revisions to the proposed amendment for the Executive Committee's review. Pres. Majumdar appointed Gov. Higginson to chair the group.

Governor Roundtable

Governors made comments and had discussion.

ADJOURNMENT

There being no further business and no need for an Executive Session, the meeting was adjourned at 2:55 PM on Saturday, November 23, 2019.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

DRAFT

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes

Seattle, WA

December 16, 2019

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Rajeev D. Majumdar on Monday, December 16 at 12:01 PM at the offices of the Washington State Bar Association, Seattle, Washington. Governors in attendance were:

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

Governors Kim Hunter and Jean Y. Kang were not present. Also in attendance were Immediate Past President William D. Pickett, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Director of Human Resources Felix Neals, Chief Financial Officer Jorge Perez, Interim Director of Advancement Kevin Plachy, and Executive Administrator Shelly Bynum.

Announce Basis for Executive Session

No executive session was held

Anti-Harassment & Anti-Retaliation Policies and Procedures

Pres. Majumdar presented the topic and directed the Board to the materials which include the amendments approved by the Personnel Committee and the additional amendments put forth by Pres. Majumdar based on feedback from employees. Gov. Grabicki moved for adoption of the

policy sent out with the supplemental memo and identified as Exhibit B. Discussion followed. Motion passed unanimously. Gov. Knight was not present for the vote.

Expanding Scope of Legislative Committee to Include ABA Matters

Pres. Majumdar and Gov. Sciuchetti provided an overview of this proposal. Gov. Stephens moved to enable the BOG Legislative Committee to deal with ABA matters as they do legislative matters. Motion passed unanimously. Gov. Knight was not present for the vote.

Policy on Non-Dissemination of Confidential Regulatory Information

Pres. Majumdar presented his proposed policy regarding the facilitation or propagation of non-public regulatory information. Chief Disciplinary Counsel Doug Ende provided additional information on the background of the policy. Gov. Grabicki moved that we adopt the proposed BOG Policy on Non-Dissemination or Propagation of Confidential Regulatory Information as submitted. Discussion followed. Motion passed 9-1. Govs. Higginson and McBride abstained from the vote.

ADJOURNMENT

There being no further business, the meeting was adjourned at ~~12:46~~^{12:25} PM on Monday, December 16, 2019.

Respectfully submitted,

Terra Nevitt
WSBA Interim Executive Director & Secretary

TO: WSBA Board of Governors
FROM: Interim Executive Director Terra Nevitt
DATE: January 2, 2020
RE: Executive Director's Report

2020 Licensing Underway

The annual licensing process for 2020 began on November 1, 2019. As of the end of December, 31% of members have paid the license fee (compared to 32% as of January 1 last year) and we have collected \$4,192,725. Payments must be completed by February 3, 2020, in order to avoid a late payment penalty. There has been a significant drop in the percentage of members claiming the Keller deduction so far this year – 1% as of the end of December compared to 16% who claimed it by this time last year. Eight members have received a hardship exemption so far this licensing season (compared to 12 at this time last year) and based on historical trends, we expect this number to rise as licensing season progresses; we receive most exemption requests in January or February. Additionally, consistent with an upward trend that we've been seeing year to year, 72 members are following a payment plan for their license fee compared to 62 at this time last year; we do not expect this number to rise significantly for the remainder of this licensing season, since most payment plans have already been started by this time. Voluntary contributions to the Campaign for Equal Justice and the Washington State Bar Foundation are both running slightly better than last year by more than \$24,500.

In terms of mandatory continuing legal education, members seem to be certifying compliance at a faster pace this year than last (exact comparison not available at this time). Credits must be completed by December 31, but members have until February 3, 2020 to certify their compliance.

'Clean' Audit for FY2019

Certified Public Accounting firm Clark Nuber completed its audit of FY2019 on December 20, 2019. I am very pleased to share that they have issued WSBA and unmodified, "clean" audit opinion. This certifies that our finances are well managed and accurate in all material respects. An unmodified opinion means there were no adjustments made, no material weaknesses found, and no management letter issued. Clark Nuber expressed appreciation for the preparation of our staff, which made for a very smooth process. Thanks to Jorge and the accounting team for their hard work and excellence.

In mid-January, we will begin the process and execution audit the Board authorized in September 2019. This audit will examine whether day-to-day financial processes and controls follow procedures and policies as written. It will go deep into the financial data and can result in recommendations for refinement toward industry best practices. We expect to have those results in time for the April Board meeting.

Limited License Legal Technician (LLLT) Practice Area Education Update

Late in July 2019, we learned that the University of Washington's continuing education program would not offer a new series of the family law practice area courses until at least fall 2020. These courses are required prior to sitting for the LLLT admissions exam. UW has been the only provider of these courses since they were first offered in 2014. The practice area courses are comprised of three parts, which the UW has historically offered one at a time.

UW last offered Family Law I in winter 2019, Family Law II in spring 2019, and Family Law III just completed for fall 2019.

Since July, LLLT Board members have been working to maintain student enrollment and preserve continuity of education by identifying alternative education providers. As a result of that work, at least one community college is considering offering the practice area education, however any classes would not begin until fall of 2020.

Currently, 20 students have applied for and have been approved to take Family Law I.¹ In an effort to minimize disruption in the ability of LLLT candidates to complete their requirements, members of the LLLT Board and WSBA employees have requested using existing WSBA technology to provide the practice education to the 20 students currently approved, while we continue to encourage other providers to enter the market for practice area education. WSBA would contract with an instructor to deliver the previously developed curriculum using our Zoom and Box platforms. The education would be delivered entirely through these online technologies and would not make use of WSBA's physical office space. The instructor would be responsible for teaching the classes as agreed, ensuring the course is in compliance with the rules, and avoiding conflicts of interest. We expect enrollment fees to cover the costs of delivering the program, as well as generate additional revenue to further the WSBA's goal of making the LLLT program revenue neutral. If we do not have sufficient students enrolled to at least break even, we would cancel the course. In addition to use of existing technology resources, staff resources would be used to administer the delivery of the education, this would include contracting with the instructor, accepting and processing student tuition payments, making payments to the independent contractor, and providing the technology platforms for use in providing the education. We anticipate that the staff time necessary to perform these activities can be performed by those individuals currently allocated to the LLLT Program with minimal impact to other programs of the bar.

Note that some former LLLT Family Law students and potential waiver applicants have indicated that they might be interested in auditing the course if that option were made available. We would intend to offer this option as a way to generate more revenue to further WSBA's goal of making the LLLT cost center revenue neutral.

Development of Free On-Demand Continuing Legal Education in Inclusion and Mitigation of Bias, Mental Health and Addiction, and Technology/Digital Security

At the September meeting, the Board of Governors approved the annual development and delivery of three, free ethics CLE credits in the categories listed above. The CLE credits will be made available in both live and on-demand formats to all WSBA members. WSBA CLE has begun the development process and the live program delivery is scheduled for July 21, 2020. The on-demand program will be ready for delivery within eight to ten weeks after the live program is delivered.

Update to Ongoing Work to Coordinate the Discipline System

In late 2015, the WSBA Executive Management Team and the WSBA BOG initiated discussions about coordinating all regulatory and disciplinary systems for all licenses to practice law (lawyer, LPO, LLLT) authorized by the Court and administered by the WSBA. Workgroups of WSBA employees from ODC, OGC, and RSD convened to develop recommendations regarding the feasibility of a coordinated discipline system. In June 2017, after seeking and incorporating input from various stakeholders, WSBA employees prepared and submitted for the Court's initial

¹ WSBA RSD staff has historically reviewed and approved applications prior to enrollment in the practice area education, because WSBA has access to the information that determines whether students can qualify.

consideration a proposed model for a coordinated disciplinary and regulatory proceedings system, along with the development of extensive improvements to the system. In addition to coordination of the three systems, a core concept of the initiative is the creation of a professionalized adjudicative system for all disciplinary and regulatory hearings. In July 2017, the Court approved in concept the proposed coordinated discipline system. After Court approval of the concept, an internal workgroup of WSBA employees from ODC, OGC, and RSD began the process of drafting the coordinated disciplinary procedural rules. Beginning in September 2019, the workgroup launched its final review of a comprehensive set of draft procedural rules—a process that will be complete in January 2020. When the draft rules are finalized, additional feedback will be sought from a variety of external stakeholders, who will be convened to review the rules and provide substantive commentary. Once stakeholder review is complete, it is anticipated the rules will be presented to the BOG in spring 2020, followed by eventual submission of a set of suggested coordinated-system rules to the Supreme Court under GR 9.

Board for Judicial Administration

As you know, the WSBA President and Executive Director serve as non-voting members of the Board for Judicial Administration, which is administered by the Administrative Office of the Courts and whose mission is to provide leadership and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government. The BJA has a number of task forces and committees that carry out its mission. I attended the BJA meeting on November 15 where we received an overview of the Judicial Information Systems Committee and the Court Management Council overview. As you heard at the November Board of Governors Meeting, the JISC governs the Judicial Information System, which is the collection of many systems that unify our state courts. The Court Management Council is made up of non-judicial court professionals and recommends policy development and facilitates organizational improvements related to access to the courts, future planning, and efficiency in court and clerks' office operations statewide. The BJA also received an update on the Bar Structure Workgroup's recommendations and minority report. If you would like more detail about any of these topics, please let me know.

[Update Re: Transitioning the Magazine Title to *Washington State Bar News* \(attached\)](#)

[Update Re: Legal Research Tools \(attached\)](#)

[Litigation Update \(attached\)](#)

[Media Contacts Report \(attached\)](#)

[WSBA Demographics Report \(attached\)](#)

[Fourth Quarter Operational Priorities Report \(attached\)](#)

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Nicole Gustine, Assistant General Counsel
 Date: January 6, 2020
 Re: Court Rules Update

Please find the following report on the status of suggested court rules submitted by the Board of Governors and other entities to the Supreme Court. Changes from the last report are indicated in **bold**, *shaded*, *italicized text*.

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA AND SUPREME COURT BOARDS ADMINISTERED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
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	Proposed 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 RPC 7.5 – Firm Names and Letterheads.	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.
GR 24	Proposed amendments to GR 24 – Definition of Practice of Law.	9/28/18: Submitted to	11/28/18: The Court entered an order to publish the proposed amendments for

**SUGGESTED RULE AMENDMENTS SUBMITTED BY
WSBA AND SUPREME COURT BOARDS ADMINISTERED BY WSBA
TO SUPREME COURT**

RULE	SUBJECT	BOG ACTION	COURT ACTION
		BOG as Information.	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.
<i>MAR 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 5.4, 6.1, 6.2, 6.3, 6.4, 7.1, 7.2, 7.3, 8.1, 8.2, 8.3, 8.4, 8.5 to Superior Court Arbitration of Civil Actions (SCCARs) and GR 1</i>	<i>MAR 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 5.4, 6.1, 6.2, 6.3, 6.4, 7.1, 7.2, 7.3, 8.1, 8.2, 8.3, 8.4, 8.5, to Superior Court Arbitration of Civil Actions (SCCARs) and GR 1.</i>	<i>The WSBA Board of Governors recommended the suggested amendments</i>	<i>11/6/2019: The Court entered order 25700-A-1271 to adopt the suggested amendments. The suggested amendments will be published expeditiously in the Washington reports and will become effective upon publication.</i>
<i>RPC 1.15A(h)(9) and LLLT RPC 1.15A(h)(9)</i>	<i>RPC 1.15A(h)(9) – Safeguarding Property and LLLT RPC 1.15A(h)(9) – Safeguarding Property.</i>	<i>The WSBA Board of Governors recommended the suggested amendments</i>	<i>11/6/2019: The Court entered order 25700-A-1267 to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2020.</i>
<i>CrR 3.1 STDS, CrRLJ 3.1 STDS, JuCR 9.2 STDS, and New MPR 2.1 STDS</i>	<i>CrR Superior Court Criminal Rules 3.1 STDS, Standards for Indigent Defense; CrRLJ Criminal Rules for Courts of Limited Jurisdiction 3.1 STDS, Standards for Indigent Defense</i>	<i>The WSBA Board of Governors recommended the suggested amendments</i>	<i>12/4/2019: The Court entered order 25700-A-1276 to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2020.</i>
<i>CrR 8.2 and CrRLJ 8.2</i>	<i>CrR Superior Court Criminal Rules 8.2 – Motions, and CrRLJ Criminal Rules for Courts of</i>	<i>The WSBA Board of Governors recommended</i>	<i>12/4/2019: The Court entered order 25700-A-1284 to publish the proposed amendments for comment,</i>

**SUGGESTED RULE AMENDMENTS SUBMITTED BY
WSBA AND SUPREME COURT BOARDS ADMINISTERED BY WSBA
TO SUPREME COURT**

RULE	SUBJECT	BOG ACTION	COURT ACTION
	<i>Limited Jurisdiction 8.2 – Motions.</i>	<i>the suggested amendments</i>	<i>with comments to be submitted no later than April 30, 2020.</i>

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

BJAR Preamble, BJAR 1, BJAR 2, BJAR 3, BJAR 4, BJAR 5	The Board for Judicial Administration, recommended amendments to BJAR Preamble, BJAR 1—Board for Judicial Administration, BJAR 2—Composition, BJAR 3—Operation, BJAR 4—Duties, and New Rule BJAR 5—Staff	7/10/19: The Court entered order 25700-A-1266 to publish the proposed amendments for comment, with comments to be submitted no later than September 30, 2019. 11/6/2019: The Court entered order 25700-A-1266 to expeditiously adopt the proposed amendments. The proposed amendments will be published expeditiously in the Washington Reports and will become effective upon publication.
New GR 38¹	The Superior Court Judges’ Association recommended the suggested new GR 38 – Prohibition of Bias. The Washington Defender Association recommended the suggested new General Rule (GR) 38.	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. 11/6/2019: The Court entered order 25700-A-1274 to publish the suggested new rule for comment, with comments to be submitted no later than 60 days from the published date of the rule in the Washington Reports.
CrR 4.7, CrRLJ 4.7, CrR 3.7, CrR 3.8, CrR 3.9, CrR 4.11, CrRLJ	The Washington Association of Criminal Defense Lawyers recommended the suggested amendments to CrR 4.7 –	7/11/18: The Court entered an order to publish the proposed amendments for comment, with

¹ [The Court has not taken an action on GR 38.](#)

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

<p>3.7, CrRLJ 3.8, CrRLJ 3.9, CrRLJ 4.11</p>	<p>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.</p>	<p>comments to be submitted no later than April 30, 2019.</p>
<p>CJC 2.9</p>	<p>The Superior Court Judges’ Association recommended the suggested amendment to CJC 2.9 – Ex Parte Communications.</p>	<p>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.</p>
<p>CrR 3.1, CrRLJ 3.1, JuCR 9.3(a), GR 15</p>	<p>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.</p>	<p>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.</p>
<p>CrR 3.1, CrR 3.2, CrR 3.4(b), CrR 6.1(b), CrR 6.4(e)(1), CrRLJ 2.2(c), CrRLJ 3.1, JuCR 9.2, CR 80(b), RAP 4.2, RAP 12.5(c), RAP 16.1(h), RAP 16.3(c), RAP 16.5(b), RAP 16.19, RAP 16.20, RAP 16.21, RAP 16.22, RAP 16.23, RAP 16.24, RAP 16.25, RAP 16.26, RAP 16.27, SPRC 1, SPRC 2, SPRC 3, SPRC 4, SPRC 5, SPRC 6, SPRC 7</p>	<p><i>The Washington State Supreme Court recommended the proposed amendments: CrR 3.1 STDs—Standards for Indigent Defense, CrR 3.2—Release of Accused, CrR 3.4(b)—Presence of the Defendant, CrR 6.1(b)—Trial by Jury or by the Court, CrR 6.4(e)(1)—Challenges, CrRLJ 2.2(c)—Warrant of Arrest or Summons Upon Complaint, CrRLJ 3.1 STDs—Standards for Indigent Defense, JuCR 9.2 STDs—Standards for Indigent Defense, CR 80(b) Court Reporters, RAP 4.2—Direct Review of Superior Court Decision by Supreme Court, RAP 12.5(c)—Mandate, RAP 16.1(h)—Proceedings to Which Title Applies, RAP 16.3(c)—Personal Restraint Petition—</i></p>	<p><i>11/6/2019: The Court entered order 25700-A-1265 to publish the suggested amendments for comment, with comments to be submitted no later than April 30, 2020.</i></p>

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

	<p><i>Generally, RAP 16.5(b)—Personal Restraint Petition—Where to Seek Relief, RAP 16.19—Preparation of Report of Proceedings in Capital Cases, RAP 16.20—Transmittal of Jury Questionnaires and Clerk's Papers in Capital Cases, RAP 16.21—Clerk's Conference in Capital Cases, RAP 16.22—Filing of Briefs in Capital Cases, RAP 16.23—Oral Argument on Appeal in Capital Cases, RAP 16.24—Stay of Execution in Capital Cases, RAP 16.25—Appointment of Counsel on Personal Restraint Petition in Capital Cases, RAP 16.26—Personal Restraint Petitions in Capital Cases—Discovery, RAP 16.27—Personal Restraint Petition in Capital Cases—Investigative, Expert, and Other Services, SPRC 1—Scope of Rules, SPRC 2—Appointment of Counsel, SPRC 3—Court Reporters: Filing of Notes, SPRC 4 - Discovery—Special Sentencing Proceeding, SPRC 5—Mental Examination of Defendant, SPRC 6—- Proportionality Questionnaires, SPRC 7—Destruction of Records, Exhibits, and Stenographic Notes,</i></p>	
<p>RAP 4.2, 4.3, 10.4, 10.7, 10.8, 10.10(b), 12.4, 13.4, 13.5(c), 13.7(e), 16.7(c), 16.10(d), 16.16(e), 16.17, 16.21(c), 16.22, 17.4(g), 18.13A(h), 18.14(c), New RAP 18.17, RAP Forms 3, 4, 6, 9, 17, 18, 20, 23.</p>	<p><i>The Washington State Supreme Court Word Count Workgroup recommended the suggested amendments.</i></p>	<p><i>11/6/2019: The Court entered order 25700-A-1268 to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2020.</i></p>
<p>MAR 7.2</p>	<p><i>The Washington State Association of County Clerks recommended the suggested amendment to MAR 7.2 – Procedure After Request for Trial de Novo.</i></p>	<p><i>11/6/2019: The Court entered order 25700-A-1269 to publish the suggested amendment for comment, with comments to be</i></p>

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

		<i>submitted no later than April 30, 2020.</i>
RPC 6.5 New Comment [8]	<i>The Washington State Access to Justice Board Pro Bono Council recommended the suggested amendment to RPC 6.5 New Comment [8].</i>	<i>11/6/2019: The Court entered order 25700-A-1270 to publish the suggested amendment for comment, with comments to be submitted no later than April 30, 2020.</i>
RAP 18.13A	<i>The Washington State Supreme Court has determined that the technical change to RAP 18.13A will aid in the prompt and orderly administration of justice.</i>	<i>11/6/2019: The Court entered order 25700-A-1272 to expeditiously adopt the proposed amendment. The proposed amendment will be published expeditiously in the Washington Reports and will become effective upon publication.</i>
RPC 6.1	<i>The Washington State Supreme Court has determined that the technical change to RPC 6.1 – Pro Bono Publico Service will aid in the prompt and orderly administration of justice.</i>	<i>11/6/2019: The Court entered order 25700-A-1273 to expeditiously adopt the proposed amendment. The proposed amendment will be published expeditiously in the Washington Reports and will become effective upon publication.</i>
RPC 4.4 Comments [4]	<i>The Washington Defender Association recommended suggested amendments to RPC 4.4 Comment [4].</i>	<i>11/6/2019: The Court entered order 25700-A-1274 to publish the suggested rule and amendments for comment, with comments to be submitted no later than 60 days from the published date of the rule in the Washington Reports.</i>
CrR 4.2(g)	<i>The Washington State Pattern Forms Committee recommended the expeditious adoption of the suggested amendment to CrR 4.2(g) – Statement of Defendant on Plea of Guilty.</i>	<i>12/4/2019: The Court entered order 25700-A-1275 to expeditiously adopt the suggested amendment. The suggested amendment will be published expeditiously in the Washington Reports and will become effective upon publication.</i>

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

CR 30(b)(1) and CR 43(f)(1)	<i>Aderant CompuLaw recommended the suggested amendments to CR 30(b)(1) – Depositions Upon Oral Examination, and CR 43(f)(1) – Taking of Testimony.</i>	<i>12/4/2019: The Court entered order 25700-A-1277 to publish the suggested amendments for comment, with comments to be submitted no later than April 30, 2020.</i>
GR 29 and CrRLJ 1.3	<i>The District and Municipal Court Judges’ Association recommended the suggested amendments to GR 29 – Presiding Judge in Superior Court District and Limited Jurisdiction Court District, and CrRLJ 1.3 – Effect.</i>	<i>12/4/2019: The Court entered order 25700-A-1278 to publish the suggested amendments for comment, with comments to be submitted no later than April 30, 2020.</i>
CR 30	<i>The Washington Court Reporters Association recommended the suggested changes to CR 30 – Depositions Upon Oral Examination.</i>	<i>12/4/2019: The Court entered order 25700-A-1279 to publish the suggested changes for comment, with comments to be submitted no later than April 30, 2020.</i>
CrR 3.1, CrRLJ 3.1, and JuCR 9.3	<i>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, and JuCR 9.3 – Right to Appointment of Experts in Juvenile Offense Proceedings and Assignment of Lawyer.</i>	<i>12/4/2019: The Court entered order 25700-A-1280 to publish the suggested changes for comment, with comments to be submitted no later than April 30, 2020.</i>
APR 26	<i>Equal Justice Washington recommended the suggested amendment to APR 26 – Insurance Disclosure.</i>	<i>12/4/2019: The Court entered order 25700-A-1281 to publish the suggested amendment for comment, with comments to be submitted no later than April 30, 2020.</i>
GR 7	<i>The Washington State Association of County Clerks recommended the suggested amendment to GR 7 – Local Rules – Filing and Effective Date.</i>	<i>12/4/2019: The Court entered order 25700-A-1282 to publish the suggested amendment for comment, with comments to be submitted no later than April 30, 2020.</i>
CrRLJ 3.4 and CrR 3.4	<i>The Washington Defender Association recommended the suggested amendments to CrRLJ 3.4 – Presence of the Defendant and CrR 3.4 – Presence of the Defendant.</i>	<i>12/4/2019: The Court entered order 25700-A-1283 to publish the suggested amendments for comment, with comments to be</i>

SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS

		<i>submitted no later than April 30, 2020.</i>
GR 31	<i>The District and Municipal Court Judges' Association recommended the suggested amendments to GR 31 – Access to Court Records.</i>	<i>12/4/2019: The Court entered order 25700-A-1285 to publish the suggested amendments for comment, with comments to be submitted no later than April 30, 2020.</i>

WSBA Member* Licensing Counts 1/2/20 9:59:17 AM GMT-08:00

Member Type	In WA State	All
Attorney - Active	26,375	33,020
Attorney - Emeritus	104	110
Attorney - Honorary	284	328
Attorney - Inactive	2,461	5,598
Judicial	617	645
LLLT - Active	38	38
LLLT - Inactive	4	4
LPO - Active	825	838
LPO - Inactive	151	167
	30,859	40,748

By District		
	All	Active
0	3,834	2,975
1	2,908	2,420
2	2,129	1,718
3	2,097	1,783
4	1,383	1,174
5	3,183	2,598
6	3,345	2,814
7N	5,143	4,395
7S	6,667	5,530
8	2,251	1,899
9	4,868	4,118
10	2,940	2,472
	40,748	33,896

By State and Province	
Alabama	30
Alaska	200
Alberta	9
Arizona	357
Arkansas	17
Armed Forces Americas	4
Armed Forces Europe, Middle East	25
Armed Forces Pacific	15
British Columbia	96
California	1,802
Colorado	245
Connecticut	48
Delaware	6
District of Columbia	339
Florida	256
Georgia	86
Guam	15
Hawaii	139
Idaho	441
Illinois	161
Indiana	33
Iowa	28
Kansas	28
Kentucky	24
Louisiana	54
Maine	17
Maryland	113
Massachusetts	90
Michigan	73
Minnesota	94
Mississippi	5
Missouri	64
Montana	164
Nebraska	20
Nevada	148
New Hampshire	11
New Jersey	63
New Mexico	69
New York	255
North Carolina	75
North Dakota	10
Northern Mariana Islands	5
Nova Scotia	1
Ohio	75
Oklahoma	27
Ontario	15
Oregon	2,696
Pennsylvania	78
Puerto Rico	4
Quebec	1
Rhode Island	12
Saskatchewan	1
South Carolina	28
South Dakota	7
Tennessee	56
Texas	367
Utah	179
Vermont	18
Virginia	273
Virgin Islands	1
Washington	30,859
Washington Limited License	1
West Virginia	6
Wisconsin	45
Wyoming	24

By WA County		By Admit Yr	
Adams	14	1946	1
Asotin	24	1947	2
Benton	394	1948	2
Chelan	256	1949	2
Clallam	163	1950	7
Clark	875	1951	15
Columbia	6	1952	19
Cowlitz	145	1953	17
Douglas	32	1954	23
Ferry	12	1955	12
Franklin	58	1956	34
Garfield	2	1957	24
Grant	121	1958	30
Grays Harbor	111	1959	30
Island	154	1960	28
Jefferson	110	1961	26
King	16,552	1962	32
Kitsap	802	1963	32
Kittitas	90	1964	36
Klickitat	23	1965	53
Lewis	108	1966	60
Lincoln	13	1967	60
Mason	102	1968	88
Okanogan	88	1969	100
Pacific	30	1970	102
Pend Oreille	16	1971	107
Pierce	2,264	1972	170
San Juan	77	1973	262
Skagit	290	1974	249
Skamania	19	1975	320
Snohomish	1,586	1976	388
Spokane	1,925	1977	384
Stevens	50	1978	434
Thurston	1,569	1979	469
Wahkiakum	11	1980	480
Walla Walla	112	1981	514
Whatcom	589	1982	499
Whitman	75	1983	536
Yakima	456	1984	616
		1985	435
		1986	677
		1987	597
		1988	563
		1989	600
		1990	731
		1991	731
		1992	731
		1993	768
		1994	794
		1995	799
		1996	750
		1997	840
		1998	800
		1999	839
		2000	846
		2001	902
		2002	977
		2003	1,006
		2004	1,024
		2005	1,053
		2006	1,089
		2007	1,158
		2008	1,071
		2009	982
		2010	1,078
		2011	1,053
		2012	1,087
		2013	1,222
		2014	1,343
		2015	1,599
		2016	1,292
		2017	1,372
		2018	1,294
		2019	1,333

Misc Counts	
All License Types **	41,083
All WSBA Members	40,748
Members in Washington	30,859
Members in western Washington	25,557
Members in King County	16,552
Members in eastern Washington	3,767
Active Attorneys in western Washington	21,839
Active Attorneys in King County	14,542
Active Attorneys in eastern Washington	3,155
New/Young Lawyers	6,203
MCLE Reporting Group 1	11,459
MCLE Reporting Group 2	10,677
MCLE Reporting Group 3	11,317
Foreign Law Consultant	20
House Counsel	305
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	76	237
Alternative Dispute Resolution Section	94	314
Animal Law Section	31	94
Antitrust, Consumer Protection and Unfair Business Practice	62	208
Business Law Section	409	1,262
Cannabis Law Section	19	103
Civil Rights Law Section	42	175
Construction Law Section	167	499
Corporate Counsel Section	402	1,118
Creditor Debtor Rights Section	168	466
Criminal Law Section	94	408
Elder Law Section	208	626
Environmental and Land Use Law Section	226	794
Family Law Section	312	1,038
Health Law Section	177	384
Indian Law Section	111	328
Intellectual Property Section	272	878
International Practice Section	69	226
Juvenile Law Section	27	165
Labor and Employment Law Section	350	999
Legal Assistance to Military Personnel Section	18	75
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	30	102
Litigation Section	335	1,023
Low Bono Section	11	71
Real Property Probate and Trust Section	802	2,299
Senior Lawyers Section	100	240
Solo and Small Practice Section	291	909
Taxation Section	196	625
World Peace Through Law Section	35	109

* 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 year (Jan 1). The Previous Year column is the total from the last day of the prior year (Dec 31). WSBA staff with complimentary membership are not included in the counts.

By Years Licensed	
Under 6	8,504
6 to 10	5,498
11 to 15	5,632
16 to 20	4,682
21 to 25	4,120
26 to 30	3,684
31 to 35	2,980
36 to 40	2,497
41 and Over	3,151
Total:	40,748

By Age	All	Active
21 to 30	1,876	1,805
31 to 40	9,250	8,304
41 to 50	9,846	8,158
51 to 60	8,784	6,933
61 to 70	7,763	5,863
71 to 80	2,738	1,824
Over 80	491	133
Total:	40,748	33,020

By Gender	
Female	12,341
Male	16,927
Non-Binary	12
Not Listed	13
Selected Mult Gender	13
Transgender	1
Two-spirit	3
Respondents	29,310
No Response	11,438
All Member Types	40,748

By Disability	
Yes	1,128
No	19,885
Respondents	21,013
No Response	19,735
All Member Types	40,748

By Sexual Orientation	
Asexual	18
Gay, Lesbian, Bisexual, Pansexual, or Queer	346
Heterosexual	3,541
Not Listed	59
Selected multiple orientations	14
Two-spirit	3
Respondents	3,981
No Response	36,767
All Member Types	40,748

By Ethnicity	
American Indian / Native American / Alaskan Native	238
Asian-Central Asian	22
Asian-East Asian	158
Asian-South Asian	40
Asian-Southeast Asian	50
Asian—unspecified	1,181
Black / African American / African Descent	637
Hispanic / Latinx	684
Middle Eastern Descent	11
Multi Racial / Bi Racial	948
Not Listed	197
Pacific Islander / Native Hawaiian	64
White / European Descent	23,774
Respondents	28,004
No Response	12,744
All Member Types	40,748

Members in Firm Type	
Bank	16
Escrow Company	52
Government/ Public Sector	5,047
House Counsel	2,984
Non-profit	253
Title Company	112
Solo	5,062
Solo In Shared Office Or	1,371
2-5 Members in Firm	4,200
6-10 Members in Firm	1,682
11-20 Members in Firm	1,270
21-35 Members in Firm	790
36-50 Members In Firm	547
51-100 Members in Firm	598
100+ Members in Firm	1,900
Not Actively Practicing	1,153
Respondents	27,037
No Response	13,711
All Member Types	40,748

By Practice Area	
Administrative-regulator	2,176
Agricultural	225
Animal Law	106
Antitrust	299
Appellate	1,611
Aviation	173
Banking	420
Bankruptcy	880
Business-commercial	5,086
Cannabis	76
Civil Litigation	963
Civil Rights	1,032
Collections	507
Communications	211
Constitutional	626
Construction	1,285
Consumer	735
Contracts	4,153
Corporate	3,464
Criminal	3,708
Debtor-creditor	910
Disability	613
Dispute Resolution	1,231
Education	482
Elder	851
Employment	2,767
Entertainment	295
Environmental	1,240
Estate Planning-probate	3,323
Family	2,627
Foreclosure	465
Forfeiture	95
General	2,601
Government	2,780
Guardianships	815
Health	921
Housing	292
Human Rights	294
Immigration-naturaliza	997
Indian	567
Insurance	1,635
Intellectual Property	2,226
International	887
Judicial Officer	399
Juvenile	783
Labor	1,108
Landlord-tenant	1,234
Land Use	828
Legal Ethics	275
Legal Research-writing	746
Legislation	414
Lgbtq	51
Litigation	4,528
Lobbying	164
Malpractice	731
Maritime	312
Military	369
Municipal	897
Non-profit-tax Exempt	601
Not Actively Practicing	2,013
Oil-gas-energy	221
Patent-trademark-copyr	1,265
Personal Injury	3,178
Privacy And Data Securit	185
Real Property	2,569
Real Property-land Use	2,091
Securities	757
Sports	156
Subrogation	114
Tax	1,278
Torts	2,005
Traffic Offenses	602
Workers Compensation	707

By Languages Spoken	
Afrikaans	5
Akan /twi	5
Albanian	2
American Sign Language	17
Amharic	18
Arabic	49
Armenian	7
Bengali	10
Bosnian	13
Bulgarian	12
Burmese	2
Cambodian	6
Cantonese	100
Cebuano	5
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	21
Czech	6
Danish	19
Dari	3
Dutch	24
Egyptian	2
Farsi/persian	62
Fijian	1
Finnish	7
French	691
French Creole	1
Fukienese	3
Ga/kwa	2
German	414
Greek	31
Gujarati	14
Haitian Creole	2
Hebrew	35
Hindi	94
Hmong	1
Hungarian	15
Ibo	4
Icelandic	2
Ilocano	8
Indonesian	11
Italian	154
Japanese	208
Javanese	1
Kannada/canares	4
Kapampangan	1
Khmer	1
Korean	227
Lao	5
Latvian	6
Lithuanian	4
Malay	4
Malayalam	8
Mandarin	367
Marathi	6
Mongolian	2
Navajo	1
Nepali	4
Norwegian	34
Not_listed	42
Oromo	4
Persian	19
Polish	30
Portuguese	117
Portuguese Creole	1
Punjabi	60
Romanian	21
Russian	225
Samoan	7
Serbian	19
Serbo-croatian	12
Sign Language	20
Singhalese	2
Slovak	2
Spanish	1,790
Spanish Creole	3
Swahili	5
Swedish	52
Tagalog	67
Taihanese	4
Taiwanese	20
Tamil	11
Telugu	3
Thai	9
Tigrinya	3
Tongan	1
Turkish	13
Ukrainian	43
Urdu	39
Vietnamese	88
Yoruba	10
Yugoslavian	4

* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).

Memo

To: Terra Nevitt, Interim Executive Director
Board of Governors

From: Destinee Evers, Practice Management Assistance Advisor
Paris Eriksen, Member Services and Engagement Manager
Kevin Plachy, Interim Director, Advancement Department

Date: January 3, 2020

RE: Update regarding Legal Research Member Benefits (Casemaker and Fastcase)

Summary

The contract terms for our two legal research tools, Casemaker and Fastcase, are set to expire later this year (October and December 2020, respectively). As part of the budgeting cycle for fiscal year 2020–2021 (FY21), the Board of Governors will need to determine how to address these expiring terms. In anticipation of working with the Budget and Audit Committee on this issue, the following outlines some of the key points for consideration.

Considerations for FY21 Budgeting

Both Casemaker and Fastcase contracts were made on two-year terms that are already at the halfway point. Casemaker was renewed for that period to see how Casemaker 4 would improve member experiences. Fastcase was adopted on a two-year term to parallel with the Casemaker contract expiration and also to hedge any potential changes as the Supreme Court determined how to proceed with the bar's structure.

Following the Supreme Court of Washington's determination that the WSBA structure remain the same, and given that both tools have had limited opportunity to engage with our membership this year, we will be recommending that the Budget and Audit Committee (B&A) consider renewing both contracts.

Additionally, B&A originally recommended that the Board add an optional feature to Fastcase called Docket Alarm.¹ At the time, we recommended that the Board hold off on this decision since the product would not be available until sometime in Fiscal Year 2020. We are asking the Board to consider whether Docket Alarm should be added for the FY21 budget.

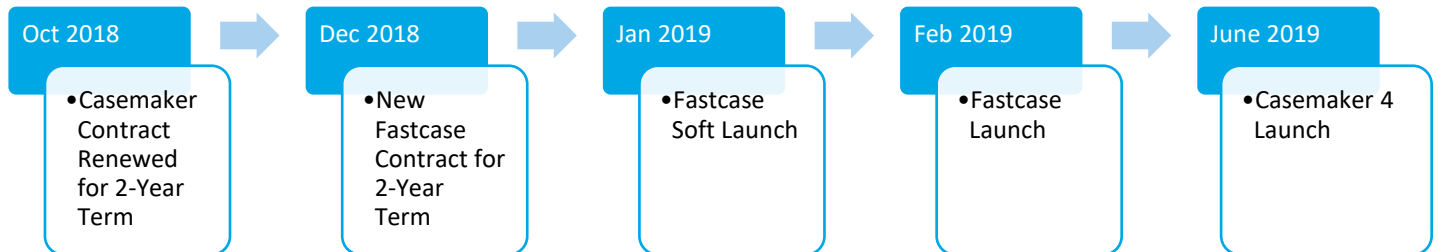
About the Legal Research Tools

To serve members and support the integrity of the legal profession, the Washington State Bar Association (WSBA) contracts with two vendors to provide an electronic legal research tool as a member benefit. These two research tools are available to all members, including active, inactive, judicial, and emeritus status.

¹ Public Session Minutes, Board of Governors Meeting (Nov. 16, 2018) p. 5.

For 14 years, the WSBA contracted with a single vendor, Casemaker. Last year, the Board of Governors brought on a second tool, Fastcase, following the recommendation of the Budget and Audit Committee.² The Board also agreed to renew the contract with Casemaker that was set to expire.³ The discussion to renew Casemaker included consideration that Casemaker was planning a significant upgrade in the coming year.⁴

Background on Adoption of Fastcase and Casemaker Upgrade



Enclosed is a “WSBA Member Impact Sheet” showing engagement rates and feedback about this member benefit. As discussed in the Impact Sheet, 2019 has seen a lot of transition for this member benefit. As of December, Fastcase has been a research tool for almost a full year. Meanwhile, the new Casemaker 4 platform has launched but it is not currently the default Casemaker interface and most members are still opting to use the older tool. This should change in early 2020 when we work with Casemaker to make Casemaker 4 the default.

In 2019, we saw over 500 users access Fastcase as their sole legal research platform. This means that 530 WSBA members that did not use Casemaker this year utilized Fastcase instead. We believe this indicates that Fastcase is filling a gap for members that do not utilize Casemaker but would still benefit from a legal research tool. In order to test this assumption we will evaluate usage rates in 2020 to see if the trend holds.

Additionally, nearly 2,000 members used both Casemaker and Fastcase this year. It is not clear yet whether members are using two tools regularly or if they experimented with both before choosing a primary option. Again, monitoring usage in 2020 will give us more information about this.

² Public Session Minutes, Board of Governors Meeting (Nov. 16, 2018) p. 5–6.

³ Public Session Minutes, Board of Governors Meeting (July 27–28, 2018) p. 9–10.

⁴ Public Session Minutes, Board of Governors Meeting (July 27–28, 2018) p. 9.

OBJECTIVES

Promote legal research competency for:

- solo and small firms
- small government offices
- small business in-house lawyers

by making quality legal research tools available as a free member benefit.



INVESTMENT – FY20

COST¹
\$173k

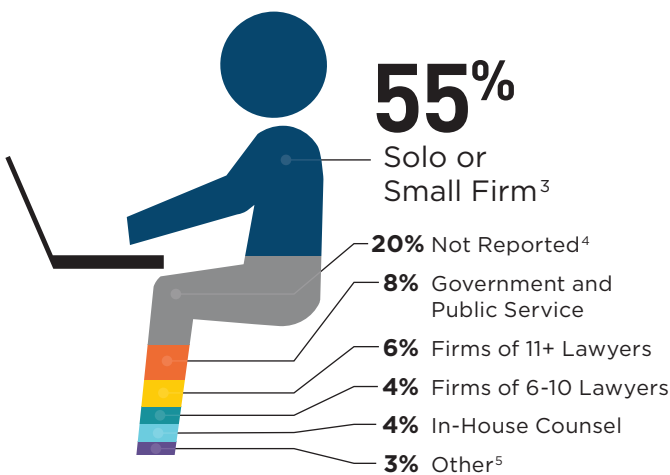
% OF FEE REVENUE²
0.8%

FTE
.25

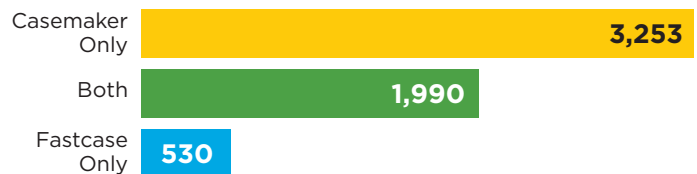
ENGAGEMENT – OCT 2018 – NOV 2019

Our active user demographics indicate that the primary beneficiaries of this service in Fiscal Year 2019 (FY19) were solo or small-firm attorneys:

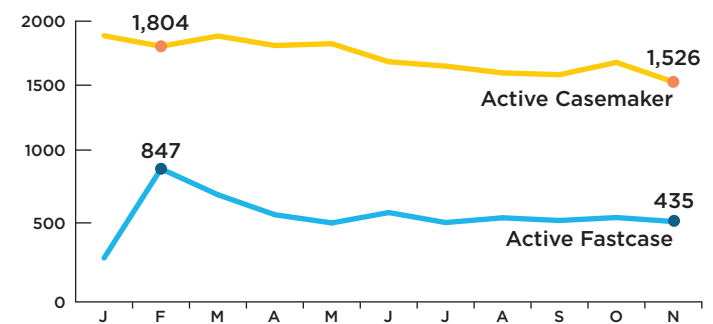
ACTIVE USERS BY PRACTICE AREA



WHICH TOOLS DID THEY USE?



HOW MANY USERS PER MONTH?



RESULTS

WHAT DOES THE WSBA DO WELL?*

MEMBER COMMENTS

- "I appreciate Casemaker and Fastcase. They provide a lot of resources for what I do."
- "Casemaker—having this as a member benefit keeps me from having to purchase a legal research tool and saves me money."
- "I appreciate Casemaker, and am glad to see that Fastcase is also a new option. I have used Casemaker in the past, and look forward to trying Fastcase."
- "Casemaker is the best. I still use it, even though now I do have access to Westlaw."
- "One of the most impressive things that the WSBA has done are the tools and resources both in professional and personal development; i.e.: Casemaker, other legal research tools ..."
- "[The WSBA] [d]oes two things well. Protecting clients and the resources like Casemaker and Fastcase."

*Comments about our legal research benefit from the WSBA Member Perception Survey⁶

ANNUAL USER COST SAVINGS

Cost Comparison of Commercial Legal Research Tools

Lexis Advance	Westlaw	Casemaker	Fastcase
\$1,600/yr ⁷	\$1,692/yr ⁸	\$845/yr ⁹	\$845/yr ¹⁰
WSBA Contract			
Cost per Member: \$4/yr ¹¹			

A YEAR OF EXPANSION

FY19 was a year of expansion for the legal research benefit. In January 2019, WSBA launched a second tool, Fastcase, and became the first state to set the updated Fastcase 7 as the default for this tool. In June, Casemaker launched its new platform, Casemaker 4. While the initial adoption rate has been slow—less than 1% of our users—we are working with Casemaker to make Casemaker 4 the default as well.

Both tools continue to go through iterative improvements. FY20 will build on our progress as we increase member outreach and oversee adoption of these new platforms.

Free Legal Research Tools

WSBA MEMBER IMPACT SHEET FY19-20

ENDNOTES

- ¹ \$173,222 as of November 2019 for Fiscal Year (FY) 2020 based on the indirect costs for this budget and the direct cost for both tools.
- ² The total cost for this program, divided by the total expected license fee revenue (General Fund Budget) for FY20.
- ³ Any WSBA member who identified in licensing as “Solo,” “Solo in Shared Office,” or “2-5 Lawyers in Firm.”
- ⁴ Demographic information is voluntary during the license process. Of the 1,170 members using the legal research tools that have not provided demographic information, 86% were actively licenses, 10% were inactive, and the remaining 4% included LLLTs (<1%), LPOs (<1%), Judicial (<1%), Honorary/Emeritus (<1%).
- ⁵ Other licensing statuses include members who are not practicing (2%), members in a non-profit org (<1%), rule-9 legal interns (<1%), members who are in banking or real estate (<1%), and foreign law consultants (<1%).
- ⁶ Responses received from members during the WSBA’s Member Perception Survey from January 1, 2019 to October 1, 2019.
- ⁷ Average cost for a one-year subscription plan that covers one user:
<https://www.lexisnexis.com/en-us/smalllawcommerce/>
- ⁸ Average cost for a one-year subscription for one user:
<https://tmsnrt.rs/2Cy4PgJ>
- ⁹ Average cost for a one-year subscription for one user:
<https://casemakerlegal.com/public/buynow>
- ¹⁰ Average cost for a one-year subscription for one user:
<https://www.fastcase.com/pricing-plans/>
- ¹¹ Based on the total annual direct and indirect costs for the legal research tools (\$173,222), divided by the number of licensees (all) in FY20 (as of November 2019) (40,817).

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Julie Shankland, General Counsel
 Lisa Amatangel, Associate Director, OGC
 Date: January 2, 2020
 Re: Litigation Update

PENDING LITIGATION:

No.	Name	Brief Description	Status
1.	<i>Small v. WSBA</i> , No. 19-2-15762-3 (King Sup. Ct.)	Former employee alleges discrimination and failure to accommodate disability.	On 07/17/19, WSBA filed an answer. Discovery ongoing.
2.	<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 Open Public Meetings Act; challenges termination of former ED.	On 08/27/19, the Supreme Court granted direct discretionary review. On 09/26/19, WSBA filed a Designation of Clerk’s Papers with the Superior Court, and a Statement of Arrangements with the Supreme Court. On 11/21/19, Justice Yu recused herself from the case. WSBA filed a report of proceedings with the Supreme Court on 11/25/19; WSBA’s opening brief is due 01/09/20.
3.	<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 granted on 08/05/19; on 08/28/19 plaintiff circulated a Notice of Intent to Appeal.
4.	<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. WSBA responded to plaintiff’s opening brief on 09/30/19.
5.	<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> .
6.	<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.

7.	<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.	<p>On 02/11/19, 9th Cir. affirmed dismissal of claims against WSBA and individual WSBA defendants; the Court also vacated the pre-filing order and remanded this issue to the District Court.</p> <p>On 12/09/19, the United States Supreme Court denied plaintiff's Petition of Writ of Certiorari.</p> <p>On 12/13/19, the District Court reimposed the vexatious litigant pre-filing order against Block. Block may appeal once the District Court enters final judgment.</p>
8.	<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) and fees awarded; Eugster appealed. Merits appeal briefing completed; awaiting disposition. WSBA supplemental brief on fee appeal due 01/15/20.
9.	<i>Eugster v. WSBA, et al.</i> , No. 18200542-1 (Spokane Sup. Ct.)	Alleges defamation and related claims based on briefing in <i>Caruso v. Washington State Bar Association, et al.</i> , No. 2:17-cv-00003-RSM (W.D. Wash.)	Dismissed based on absolute immunity, collateral estoppel, failure to state a claim. Briefing complete on appeal and cross-appeal on fees. Case transferred to Division II. Oral argument heard 10/22/19; parties awaiting decision.

MEMO

To: Executive Director Terra Nevitt and President Rajeev Majumdar
From: Chief Communication and Outreach Officer Sara Niegowski
Date: Jan. 3, 2020
Re: Transition timeline to change WSBA's magazine title back to *Washington State Bar News*

BACKGROUND

The Board of Governors at its November meeting voted to change the state bar magazine's title from *NWLawyer* to *Washington State Bar News* (its previous title from 1947-2012). We immediately began notifying members of the change, and the rationale behind it, via the all-member meeting recap, Take Note e-news, and social media. We advised members the change will likely take several months/issues.

IMPLEMENTATION CONSIDERATIONS

The name change involves a multi-month/issue timeline for several reasons:

- *Advertisers.* We alerted our outside sales company, SagaCity, of the possibility of a name change prior to the November vote, and we immediately contacted our dedicated sales representative after the decision. He asked for a transition time that would allow him to: 1) Create a new media kit inclusive of the changed name; 2) contact current advertisers to communicate the name change and assure them the content and distribution will not be impacted; 3) honor the existing ads already contracted/sold under the name *NWLawyer* for February and March issues; and 4) ensure there are no unanticipated impacts in his ability to meet our fiscal-year goal (covering at least the direct costs of the magazine through advertising revenue).
- *ISSN registration.* We will need to register a new International Standard Serial Number (ISSN) with the Library of Congress for both the print and web versions of the magazine. The Library of Congress recommends lead time of at least one month, but up to two or three, after submitting the ISSN documentation prior to publishing the magazine with the new title. The importance of a non-interrupted ISSN is so that libraries and other cataloging systems can properly find, identify, and archive the publication amongst the vast number of other ISSNs. We have submitted completed paper work to the Library of Congress and are awaiting a response.
- *Online.* We will need to work with our digital-platform provider, GTXcel, to implement a new URL for the online version, as required by the Library of Congress; this will take some time to do properly, without leading to broken links and broken images when members are searching online issues of the magazine. The WSBA IT team has already secured a new URL for the magazine (wabarnews.wsba.org/wabarnews). Next, GTXcel will need to start the process of transferring each issue over to the new URL. This process will require time, testing, and about \$1,200, depending on the transfer process. When the issues are transferred over to the new URL, we will likely lose all of the edits we made in every issue since we upgraded the online platform (June 2019-Feb 2020). WSBA staff will need to go back through those issues and make our edits again. We also need to change all the links and references to the magazine on the wsba.org site and in past social-media shares.
- *Planning and design.* The magazine's editor and graphic designer have begun planning, creating, and preparing for a synchronized update for the cover and masthead, which includes accompanying online websites and membership-wide announcements. They are preparing a rollout campaign leading up to the "launch" with the April/May issue.

TIMELINE

In recognition of these implementation factors, the magazine and advertising teams are preparing to roll out the changed title on the print edition of the magazine starting with the **April/May edition**. In terms of editorial preparation and calendaring, the content deadline has already passed for the February edition with an early January timeline for the March edition. Ad contracts are also closing/well underway for these issues. Looking ahead, we have the most latitude to plan ahead of deadlines for the April/May edition and that timeframe gives us confidence to receive our new ISSNs, develop a new media kit and contract sheet for advertisers, and plan for the online change (including the URL question).

Immediately, however, we are able to update the magazine's current websites and printed information with advance notification about the upcoming title change and timeline/explanation of what's ahead. We believe this will actually be quite helpful in preparing the membership for the change to make it more seamless when the April/May edition is mailed. We are in the process of confirming with SagaCity that our current advertisers have been notified so that we can make the online updates with no surprises to anyone. We will also indicate in the February and March print editions that the name change is occurring in April/May (likely with a teaser on the cover).

MEMO

To: Board of Governors

From: Sara Niegowski, Chief Communications and Outreach Officer
Jennifer Olegario, Communication Strategies Manager

Date: Jan. 2, 2020

Re: Summary of Media Contacts, Nov. 6, 2019 – Jan. 2, 2020

	Date	Journalist and Media Outlet	Inquiry
1.	Nov. 12	<i>The American Lawyer</i>	Inquired whether a particular NY lawyer was working on a case in Washington state via pro hac vice.
2.	Nov. 15	Ashley Nerbovig, <i>Chinook Observer</i> (Long Beach/Pacific County)	What resources does the WSBA offer about how to get a lawyer when a client already has a public defender?
3.	Nov. 21	Michelle Li, KING5-TV	Sought attorney who could provide legal guidance regarding nanny cams.
4.	Dec. 2	Sara Gensler, <i>The Olympian</i>	Inquired about any disciplinary matters under investigation for Dan Liebman. Sent standard response regarding discipline inquiries.
5.	Dec.5	Jeff Pohjola, KOMO News	Inquired whether Tim Eyman filed a bar complaint against AG Bob Ferguson or SG Noah Purcell regarding I-976. Sent standard response regarding confidentiality of bar grievances.

TO: WSBA Board of Governors
FROM: Dan Clark, WSBA Treasurer & 4th District Governor
DATE: January 2, 2020
RE: January BOG meeting Treasurer Update

ACTION/DISCUSSION : The following is meant to provide an update on the activity of the WSBA Treasurer and WSBA Financial Department from November and December 2019.

Supreme Court approval of FY 2021 License Fees:

The Washington State Supreme Court ratified the approval of recommendations for FY 2021 license fees as set by the majority of the Board of Governors at our November 2019 meeting. The license fees for attorney members for the second year in a row will not increase. The Court also approved lowering of the client protection fund by \$5 dollars.

I drafted a memorandum to the court in support of the Board’s decision which is included here as Attachment A.

2019 Financial Statement Audit Completion:

WSBA had the private accounting firm of Clark Nuber conduct an audit of our financial statements and routine business activity for the FY 2019 year. We again completed the audit with a “clean” audit, and no material findings. Please be sure to offer congratulations to Jorge Perez, and all of the WSBA financial management team for a continued job well done! A true and correct copy of the member announcement of the financial statement audit is included here as Attachment B.

Continued WSBA Financial Communication and Transparency:

As previously stated in the November BOG book, one of my individual goals as Treasurer is to improve communications and transparency of WSBA financial matters. As such, I have started Washington Bar News articles attempting to provide membership increased communication and transparency of WSBA’s financials and budgeting results.

Impromptu Budget Modification Policy:

Terra Nevitt, Jorge Perez, Rajeev Majumdar and I have drafted a proposed potential policy for the BOG for consideration and hopeful adoption regarding creation of a process for requests for impromptu budget modifications. I believe first read for this request potentially will be at the January 2020 BOG meeting.

Revision to BOG Travel Policy:

The BOG approved recommendations for changes to the BOG Travel Reimbursement policy at its November 2019 BOG meeting.

FY 20 Budget Reforecast Process:

As previously discussed in November, Jorge Perez, Terra Nevitt and I will be conducting a reforecasting of FY 2020's cost center expenses. The goal will be to look for potential increased efficiencies and cost savings for the WSBA and its membership. So far Terra has done a fantastic job of taking a hard look when vacancies have arisen and she's chosen, I believe wisely not to file some management level positions, but rather to look at new and innovative ways to have those job duties absorbed by existing WSBA employees. While this can only be done so much, I think it points to her attempting to hear what the BOG's top 2019-20 group goal was as previously discussed at the 2019 BOG retreat in Richland, Washington in July.

WSBA "Deep Dive" Financial Audit:

Clark Number has started this audit in December. They have been provided WSBA financial data and are currently examining it. They will be examining 2018 expenses and will be working on this project the next few months. Some of the testing that will be done as part of this audit will be for them to review the Payroll Testing, Expense Report Testing, Fraudulent Disbursement Procedures, Payroll Database, Credit Card Database, A/P Database, Vendor File Database, WSBA Travel for FY 2018 and use of WSBA fund by Board Committees.

We hope to have this audit completed by the end of March 2020.

FY 2022 & 2023 License fee recommendations:

The Budget and Audit Committee will be discussing recommendations to the BOG for the FY 2022 and FY 2023 license years. Those will be ultimately presented to the BOG sometime this summer/fall and the ultimate decision will be that of the BOG.

Ongoing Discussions of LLLT, Sections and other cost centers:

The Budget and Audit committee will be continuing to look at various cost centers and engage in discussions and recommendations in setting the FY 2021 budget and potential adjustment modifications to the adopted FY 20 budget later in the year.

January 15, 2020 Special Meeting:

The Budget and Audit Committee will be holding a special meeting on January 15, 2020 in addition to its regularly scheduled January meeting on January 27, 2020, to discuss the potential of potentially lowering member license fees for ages 70 and above. The Committee will also discuss the potential of lowering license fees in general, as well as a budget request from CFO Jorge Perez for a new WSBA financial software system which would be intended to greatly improve efficiencies and forecasting capabilities of WSBA staff.

In any event, if you have any questions regarding this update, and/or anything related to WSBA finances, please let me know and I will do my best to get you a prompt answer to your question(s) and/or concerns.

Respectfully,

Dan Clark

WSBA Treasurer/4th District Governor

DanClarkBoG@yahoo.com

(509) 574-1207 (office)

(509) 969-4731 (cell)

TREASURER REPORT
ATTACHMENT A:

**WASHINGTON STATE
BAR ASSOCIATION**

TO: WSBA President Rajeev Majumdar
FROM: Daniel D. Clark, WSBA Treasurer
DATE: November 26, 2019
RE: Board of Governors 2021 License Fee Setting & FY 2021 Client Protection Fund Recommended Reduction from \$30 to \$25 dollars.

FY 2021 License Fees

The Board of Governors at their November 21, 2019 meeting voted to keep all license fees the same as in FY 2020 for all license types with the exception of the Limited Legal License Technician license fee which the Board has approved a slight reasonable increase of the fee from the current rate of \$200 dollars a year to \$229 a year.

The Board also recommends a reduction in the Client Protection Assessment from \$30 dollars to \$25 dollars.

The following will provide a summary explanation of the rationale for the license fee levels set by this body, as well as our Client Protection Fund Assessment recommendation to the Court, as it is the Court that sets the level of that assessment.

FY 2021 Attorney Fees:

The Board of Governors believes that the current rate of \$458 for FY 2020 should be continued at the same rate for FY 2021. Such continued fee is seen as reasonable and prudent by the Board of Governors based on the FY 2019 WSBA financial performance summary. Ultimately WSBA's annual net revenue for FY 2019 was higher than budgeted as a result by a four (4) percent higher than expected revenue growth. This was largely attributable to a greater attorney membership growth than had been budgeted. Additionally, the WSBA beat its projected budget direct and indirect expenses for the year. Overall for FY 2019, there was a positive net increase to WSBA's general fund balance of \$940,679 total for FY 2019. This was primarily due to prudent fiscal management from the Interim Director and Board of Governors who collectively are

committing to improving economic efficiencies to the WSBA for its membership. As a result, the Board of Governors believes that the current fee is reasonable to be maintain for FY 2021.

FY 2021 Limited Practice Officer License Fee Recommendation:

For the same above following reasons, the Board of Governors set the FY 2021 license fees for LPO members at the same \$200 rate as they were in FY 2020. The recommended license fee multiplied by the current number of LPO members generates enough revenue to cover direct and indirect costs of the program to achieve at a revenue neutral cost center to the WSBA and its membership. Therefore, the Board believes that the current fee is reasonable to be maintain for FY 2021.

FY 2021 Limited Legal License Technician License Fee Increase Request & Justification:

The Board of Governors set the FY 2021 license fees for LLLT members at a rate of \$229 dollars. This recommendation is a slight increase to the LLLT license fee from the current rate of \$200 dollars. This license fee recommendation would set the LLLT license fee at exactly half, fifty (50) percent of that of the FY 2021 active attorney license fee. The slight fee increase was recommended by myself as Treasurer after looking at the amount and percentage increase that the Supreme Court found reasonable in FY 2018 for the LLLT license type. The Court in 2018, adopted a fee increase from \$175 to \$200 for this license type, which represented a 14.2 percent increase to the license type. The \$29 dollar proposed increase represents a similar reasonable increase of 14.5 percent, which was specifically intended to be "reasonable" as it is similar to the \$25 dollar increase for this license type which was approved in 2018 for FY 2018-20 for this license type.

The Board of Governor's recommendation of the modest reasonable fee increase is also in wanting to comply with the Washington Supreme Court order that established the LLLT license. The 2012 Supreme Court order that established the LLLT program indicated it was intended to be cost revenue neutral to the WSBA budget. The 2012 Court order stated in pertinent part:

Another concern that has been raised is that attorneys will be called upon to underwrite the costs of regulating non-attorney limited license legal technicians

against whom they are now in competition for market share. **This will not happen.** GR 25 requires that any recommendation to authorize the limited practice of law by non-attorneys demonstrate that "the costs of regulation if any, can be effectively underwritten within the context of the proposed regulatory regime" **The Practice of Law Board's rule expressly provides that the ongoing cost of regulation will be borne by the limited license legal technicians themselves and will be collected through licensing and examination fees.** Experience with the Limited Practice Board demonstrates that a self-sustaining system of regulation can be created and sustained. **The Court is confident that the WSBA and the Practice of Law Board, in consultation with this Court, will be able to develop a fee based system that ensures that the licensing and ongoing regulation of limited license technicians will be cost-neutral to the WSBA and its membership.**
(Emphasis Added).

Based on review of WSBA's FY 2013 to FY 2020 budget and actual expenditures, it is clear that the 2012 Supreme Court order requiring a self-sustaining system of regulation and licensing for LLLT members that is cost-neutral to the WSBA and its members has not been met. For FY 2019, the LLLT cost center program had a negative net income of \$206,650.06. FY 2020's budgeted projection is slightly less is for negative \$194,024.50. Historically from inception to date, the program has incurred approximately 1.3 million dollars in losses that have not been cost neutral to the WSBA and ultimately have to date been underwritten by attorney members who make up the bulk of the license fees that the WSBA general fund is comprised of.

The LLLT fee increase to \$229 for FY 2021 is an attempt to work towards development of a fee-based system that ensures that the ongoing licensing and regulation of LLLT members is cost-neutral to the WSBA and its membership.

It should also be noted that as Treasurer, I have recently in good faith sent Steve Crossland a standing written invitation to attend future Budget and Audit meetings and have asked that he and I, along with Interim Executive Director Nevitt and the WSBA Executive Team members should all collaborative meet on behalf of the WSBA and its membership to attempt to achieve this important system.

Client Protection Fund Recommendation Attorney & LLLT members:

The Board of Governors also unanimously voted to recommend a decrease in the annual Client Protection Fund assessment from \$30 to \$25 to apply to all license types subject to pay this

assessment. This action was taken after the Board had reviewed extensive research from WSBA Chief Financial Officer Jorge Perez and I, who both individually and collectively had determined that the data regarding average gifts paid out of the fund, revenue stream, and overall fund balance supported that a robust and growing fund balance will remain even with a \$5 decrease in the assessment. Mr. Perez and I came to the same conclusion that the fund can be reduced from \$30 dollars to \$25 dollars per member without a significant reduction to the fund, and/or without causing the fund to be in any danger of being depleted.

With current reserves over four million dollars, we are quite confident in the long term sustainability of the fund and the ability to continue to serve and protect the public if the Court adopts the Board of Governors recommendation to lower the FY 2021 and ongoing annual assessments from \$30 to \$25 per member. As an example, for FY 2019, which just completed in September 2019, a review of the performance of the fund shows that it ended with a net increase of \$588,155.11 after payment of all client gifts, and direct and indirect expenses. Additional information to explain this request can be found on page 63-68 of the November 22-23 Board of Governor Meeting Public Materials.

Conclusion:

President Majumdar, in response to your request for summarizations of the rationales, I provided the above information. It is my conclusion as WSBA Treasurer, working on behalf of the Board of Governors and the membership that the FY 2021 License Fees are reasonable. Further, the recommended reduction to the Client Protection Fund is appropriate and a fiscally sound decision for the Court to make. Thank you and please let me know if you have any questions – we can provide the court with a full set of data and fiscal analysis should they so desire.

Respectfully,

/s/

Daniel D. Clark
WSBA Treasurer

TREASURER REPORT
ATTACHMENT B:



Contact: Jennifer Olegario, WSBA Communications Manager
206-727-8212; jennifero@wsba.org

Independent Firm Issues ‘Clean’ Financial Audit for State Bar

Consecutive years of unqualified reports reflect confidence in WSBA’s financial integrity

SEATTLE, WA [Dec. 13, 2019] —

Certified Public Accounting firm Clark Nuber has issued an unmodified, “clean” audit opinion for the Washington State Bar Association’s 2019 fiscal year. This marks several decades of similar upstanding independent audit reports for the state bar.

The audit report certifies that the bar’s finances are well managed and accurate in all material respects. An unmodified opinion means there were no adjustments made, no material weaknesses found, and no management letter issued.

“This gives us a high-degree of confidence in the bar’s financial integrity,” said WSBA Treasurer Dan Clark. “It shows that the data we report on our financial statements is true and accurate, which indicates we are being responsible stewards of membership dollars. Congratulations to the bar’s financial team and all staff for their diligent budget controls and processes.”

Bar leaders are committed to being accountable to members and the public through a high level of transparency and active examination of financial operations. Toward that end, the Board of Governors has also authorized an additional independent audit this year, which will focus on processes and execution to our Fiscal Policies and Procedures. This type of audit is good practice for an organization every 5 to 10 years, and it examines whether day-to-day financial processes and controls follow procedures and policies as written. It goes deep into the financial data and can result in recommendations for refinement toward industry best practices.

Results from this second audit should be available in spring 2020.

More information about the state bar’s finances, including audit reports and financial statements, is at wsba.org/about-wsba/finances.

About the Washington State Bar Association

The WSBA operates under the delegated authority of the Washington Supreme Court to license the state’s 40,000 lawyers and other legal professionals. In furtherance of its obligation to protect and serve the public, the WSBA both regulates lawyers and other legal professionals and serves its members as a professional association — all without public funding. The WSBA’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. For more information, visit www.wsba.org.

###

TO: WSBA Board of Governors
FROM: Terra Nevitt, Interim Executive Director
DATE: January 8, 2020
RE: ABA Midyear Meeting Preview

DISCUSSION: Preview of the midyear meeting of the American Bar Association.

Attached, please find a list of issues that may be taken up by the House of Delegates of the American Bar Association at its [midyear meeting](#) in Austin, TX on February 12-17, 2020.

Background

The [American Bar Association](#), founded in 1878, is a voluntary organization whose mission is to serve its members, the profession and the public by defending liberty and delivering justice as the national representative of the legal profession. ABA policy is set by its [House of Delegates](#), which meets twice a year and is comprised of nearly 600 members, including 257 State Bar Delegates. WSBA has seven delegates, which are appointed by the Board of Governors to a maximum of 3 consecutive 2-year terms. Below is a roster of our current delegates.

Jaime Hawk, Seattle	3rd Term ends August 31, 2021
RaShelle Davis, Olympia	2nd Term ends August 31, 2021
Amber Rush, Vancouver (Young Lawyer Representative)	2nd Term ends August 31, 2021
Lisa Dickinson, Spokane	1st Term ends August 31, 2020
Maureen Mitchell, Seattle	1st Term ends August 31, 2020
Kaustuv Das, Seattle	1st Term ends August 31, 2020
Vicki Orrico, Renton	1st Term ends August 31, 2020
John Felleisen, Tacoma (Alternate)	1st Term ends August 31, 2021

Note that at its special meeting on December 16, 2019, the Board of Governors approved expanding the scope of the BOG Legislative Committee to include consideration of ABA matters, including requests to take positions on issues that may be taken up by the House of Delegates.

**POTENTIAL AGENDA ITEMS FOR THE 2020 MIDYEAR MEETING
OF THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION**

NOTE: This list includes issues that may be presented for consideration at the 2020 Midyear Meeting or a future meeting of the House of Delegates. Please remember that, with the exception of state and local bar associations, the filing deadline for submission of Resolutions with Reports by Association entities and affiliated organizations is **Wednesday, November 20, 2019.**

1. Specialist Certification Programs
Reaccredits several programs for a five-year term as designated specialty certification programs for lawyers. **Standing Committee on Specialization.** Contact: *Erin Ruehrwein, E-mail: erin.ruehrwein@americanbar.org, Phone: (312) 988-5512.
2. Health and Well-Being of all Military Dogs
Urges the U.S. federal government and other national governments, as well as multinational and international organizations around the world, to amend existing laws or enact new enforceable laws, policies and procedures that protect and provide for the health and well-being of all Military Working Dogs. **Section of International Law.** Contact: Gilda Jill Mariani, E-mail: MARIANIG@dany.nyc.gov, Phone: (212) 335-9143.
3. Right of Privacy of Personal Information
Recommends that government entities that are considering, enacting, adopting or amending their information and data privacy laws or regulations include certain privacy protections of personal information. These laws and policies affect individuals engaged in interstate commerce using the Internet, social media or other means, and encompass the collection, use, disclosure, storage and transfer of personal information to third parties (including government actors) who may aggregate, process and/or use such data and information. **Section of International Law.** Contact: Dan McGlynn, E-mail: dmcglynn22@yahoo.com, Phone: (505) 332-5000.
4. Ratification of the Singapore Convention
Urges all governments, including the United States government, to promptly adhere to and implement the United Nations Convention on International Settlement Agreements Resulting from Mediation (also known as the Singapore Mediation Convention). **Section of International Law.** Contact: Irina Strelkova, E-mail: irinastrelkova75@gmail.com, Phone: (502) 779-8666.

5. Increase Voter Participation and Minimize Voter Suppression
Urges federal, state, local, territorial and tribal governments to enact legislation to expand the forms of acceptable address identifiers in the voter registration process beyond the physical address requirement to include non-traditional identifiers, including post office boxes, tribal government buildings, general descriptions of physical residences, shelter, and governmental buildings. **Coalition on Racial and Ethnic Justice**. Contact: *Selina Thomas, E-mail: Selina.Thomas@americanbar.org, Phone: (312) 988-5736.

6. Regulatory Innovations to Improve Access to Justice
Encourages U.S. jurisdictions to consider regulatory innovations that foster new ways to deliver legal services and have the potential to improve the accessibility and affordability of those services, while recognizing the continued need for protection of the public. To advance the goals of improved accessibility and affordability of legal services, the Resolution encourages the consideration of various kinds of regulatory innovations, such as authorizing new categories of legal services providers, reexamining restrictions found in Rule 5.4 of a jurisdiction's rules of professional conduct, and reconsidering provisions related to the unauthorized practice of law. The Resolution also encourages data to be collected and analyzed to determine the impact of any changes and to inform future regulatory reforms. **ABA Center for Innovation**. Contact: *Janet Jackson, E-mail: Janet.Jackson@americanbar.org, Phone: (312) 988-5118.

7. Safe Storage of Firearms
Urges state, local, territorial, and tribal governments to enact statutes, rules and regulations that would: a) define the requirements of safe storage of a firearm; b) require firearm owners to meet those requirements; and c) promote safe storage education for firearm owners. Also urges the federal government to incentivize safe storage programs within the states. **Standing Committee on Gun Violence**. Contact: Monte Frank, Pullman & Comley LLC, 850 Main Street, Bridgeport, CT 06601-7006, E-mail: mfrank@pullcom.com, **Sharon L. Terrill, E-mail: sharon.terrill@americanbar.org, Phone: (202) 662-1970.

8. Firearm Permits
Urge federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that would: a) require any person seeking to purchase a firearm to first obtain a permit to be issued by a law enforcement or public safety agency; and b) prohibit the sale, delivery or transfer of a firearm to anyone who does not possess a valid permit. **Standing Committee on Gun Violence**. Contact: Monte Frank, Pullman & Comley LLC, 850 Main Street, Bridgeport, CT 06601-7006, E-mail: mfrank@pullcom.com, **Sharon L. Terrill, E-mail: sharon.terrill@americanbar.org, Phone: (202) 662-1970.

9. Ghost Firearms

Urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that would: (a) make it unlawful for any person to transfer, sell, trade, give, transport, or deliver any unfinished frame or receiver to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) unless (i) the unfinished frame or receiver is serialized in accordance with federal requirements for the serialization of firearms, (ii) a background check consistent with the federal requirements for the transfer of a firearm is conducted on the recipient, and (iii) records consistent with the federal retention requirements for the case of the transfer of a firearm are created and retained; and b) prohibiting the possession, without a federal firearms license, of a finished or unfinished firearm frame or receiver that has not been serialized. **Standing Committee on Gun Violence**. Contact: Monte Frank, Pullman & Comley LLC, 850 Main Street, Bridgeport, CT 06601-7006, E-mail: mfrank@pullcom.com, **Sharon L. Terrill, E-mail: sharon.terrill@americanbar.org, Phone: (202) 662-1970.

10. Changes to the Interpretation of the Public Charge Doctrine

Urges the Executive Branch and Congress to reestablish the public charge definition from prior and maintain that definition as the legal standard. The Department of Homeland Security proposed regulations earlier this year that would overturn longstanding agency guidance governing the admission and adjustment of status and the application of public charge in immigration cases. The concern is that the changes put forth in the proposed rule (currently stayed by federal injunction as of October 15th) would have a detrimental effect on low-income immigrants as the rule would dramatically change the standards that apply to immigrants who may use a range of public benefits. **Commission on Immigration**. Contact: Wendy Wayne, CPCS Immigration Impact Unit, 21 McGrath Highway, Somerville, MA 02143, E-mail: wwayne@publiccounsel.net, Phone: (508) 641-9209.

11. Migrant Protection Protocols (MPP)

Addresses the topic of the Migrant Protection Protocols (MPP), which returns asylum seekers to Mexico to await legal immigration proceedings. The process and problems associated with MPP are fluid, but a recent Human Rights First [article](#) summarizes the issue. "MPP works in tandem with other illegal administration policies . . . to ban, block, and terrify refugees from seeking protection in the United States. The forced return policy violates legal prohibitions in U.S. law and international obligations on returning people seeking U.S. protection to persecution and torture, and blatantly flouts the asylum laws and due process protections Congress adopted for refugees seeking protection at the border. Since the start of MPP in January, DHS has forced nearly 50,000 asylum seekers and migrants to wait in danger in Mexico." **Commission on Immigration**. Contact: Wendy Wayne, CPCS Immigration Impact Unit, 21 McGrath Highway, Somerville, MA 02143, E-mail: wwayne@publiccounsel.net, Phone: (508) 641-9209, **Tanisha L. Bowens-McCatty, E-mail: tanisha.bowens@americanbar.org, Phone: (202) 662-1007.



Trustees' Annual Report: Fiscal Year 2019

LAWYERS' INDEMNITY FUND EST. 1960 • CLIENT PROTECTION FUND EST. 1994

PURPOSE OF THE CLIENT PROTECTION FUND

“The purpose of this rule is to create a Client Protection Fund, to be maintained and administered as a trust by the Washington State Bar Association (WSBA), in order to promote public confidence in the administration of justice and the integrity of the legal profession. [...] Funds accruing and appropriated to the Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any person by reason of the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA as a result of or directly related to the member's practice of law (as defined in GR 24), or while acting as a fiduciary in a matter directly related to the member's practice of law. Such funds may also, through the Fund, be used to relieve or mitigate like losses sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA but who was at the time of the act complained of under a court ordered suspension.”

Admission and Practice Rules 15(a) and (b).

WASHINGTON STATE BAR ASSOCIATION
CLIENT PROTECTION FUND, FISCAL YEAR 2019

FY 2019 TRUSTEES	
William Pickett, President	Yakima
Rajeev Majumdar, President-elect	Blaine
Dan Bridges	Seattle
Sunitha Anjilvel	Seattle
Daniel Clark	Yakima
Peter Grabicki	Spokane
Carla Higginson, Client Protection Board Liaison	Friday Harbor
Kim Hunter	Kent
Jean Kang	Seattle
Russell Knight	Tacoma
Christina Meserve	Olympia
Athan Papailiou	Seattle
Kyle Sciuchetti	Portland
Alec Stephens	Seattle
Paul Swegle	Seattle
Hon. Brian Tollefson, Ret.	Tacoma

FY 2019 CLIENT PROTECTION BOARD	
Efrem Krisher, Chair	Bellevue
Julian Bray	Olympia
Tracy Flood	Port Orchard
Matthew Honeywell	Seattle
Carol Hunter	Spokane
Dana Laverty	Covington
Gloria Ochoa-Bruck	Spokane
Daniel Rogers	Shoreline
Mark Stiefel	Kirkland
Carrie Umland	University Place
Mikolaj Tempksi	Snohomish
Todd Wildermuth	Seattle

WSBA STAFF TO THE CLIENT PROTECTION BOARD	
Nicole Gustine	Assistant General Counsel; CPF Liaison/Secretary
Brenda Jackson	CPF Analyst

WASHINGTON STATE BAR ASSOCIATION
CLIENT PROTECTION FUND, FISCAL YEAR 2019

TABLE OF CONTENTS

- I. HISTORY AND ESTABLISHMENT OF THE CLIENT PROTECTION FUND.....1**
- II. FUND PROCEDURES3**
- III. FINANCES6**
- IV. BOARD AND TRUSTEE MEETINGS7**
- V. APPLICATIONS AND PAYMENTS.....8**

APPENDIX

- FY 2019 Final Audited Income and Expense Report
and September 30, 2019, Fund Balance Sheet (audited) 33**

I. HISTORY AND ESTABLISHMENT OF THE CLIENT PROTECTION FUND

Washington is fortunate to have a history of maintaining a stable, well-funded Client Protection Fund (CPF) that is strongly supported by the Washington Supreme Court and the Washington State Bar Association. Washington was one of the first states to establish what was then called a Lawyers' Indemnity Fund in 1960. Since that time, the members of this state have compensated victims of the few dishonest members who have misappropriated or failed to account for client funds or property.

The current CPF was established by the Washington Supreme Court in 1994 at the request of the WSBA by the adoption of [Rule 15](#) of the Admission to Practice Rules (APR), now called the Admission and Practice Rules. Prior to the adoption of that rule, the WSBA had voluntarily maintained a clients' security or indemnity fund out of the Bar's general fund. Similar funds are maintained in every jurisdiction in the United States, as well as Canada, Australia, New Zealand, and other countries.

The CPF helps accomplish important goals shared by our Court and WSBA members – client protection, public confidence in the administration of justice, and maintaining the integrity of the legal profession. Under APR 15, CPF payments are gifts, not entitlements. A \$30 annual assessment from members licensed in Washington finances all CPF gifts; no public funds are involved. Currently, all WSBA members on active status, all lawyers with *pro hac vice* admissions, in-house counsel lawyers, house counsel, and foreign law consultants and Limited Licensed Legal Technicians (LLLTs), effective January 1, 2019, make these contributions. The following chart shows the experience of the past 10 years as the WSBA membership has increased.

Client Protection Fund Applications 2009-2019

Fiscal Year	# Of Members ¹	# Of Members With Approved Applications	# Of Applications Received	# Of Applications Approved	Gifts Approved
2010	28,534	23	161	78	\$554,270
2011	28,676	15	179	72	\$1,002,683
2012	29,184	17	137	39	\$378,574
2013	29,682	18	130	45	\$423,508
2014	31,495	14	141	44	\$337,160
2015	31,335	20	79	59	\$495,218
2016	32,969	16	56	44	\$253,228
2017	33,357	19	72	47	\$439,273
2018	33,858	18	119	46	\$926,434
2019	34,388	18	61	48	\$419,488

¹ Through December 31, 2018, the assessment was only paid by lawyers on Active status, *pro hac vice*, in-house counsel, house counsel, and foreign law consultants. Effective January 1, 2019, the assessment was also paid by Limited Licensed Legal Technicians (LLTs).

II. FUND PROCEDURES

The CPF is governed by [Admission and Practice Rule \(APR\) 15](#) and Procedural Rules adopted by the Board of Governors and approved by the Supreme Court. These can be found at:

http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr15

http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr15p.

Administration: The members of the Board of Governors of the WSBA serve during their terms of office as Trustees for the CPF. The Trustees appoint and oversee the Board, comprised of 11 lawyers and 2 community representatives. This Board is authorized to consider all CPF claims, make CPF reports and recommendations to the Trustees, submit an annual report on Board activities to the Trustees, and make such other reports and publicize Board activities as the Court or the Trustees may deem advisable. Two WSBA staff members help Board members ensure the smooth functioning of the Board's work: WSBA Client Protection Fund Analyst Brenda Jackson performs a wide variety of tasks to help members of the public and the Board in the processing and analyzing of CPF claims. WSBA Assistant General Counsel Nicole Gustine acts as WSBA staff liaison to the Board, provides legal advice to the Board and serves as Secretary to the Board.

Application: Clients of WSBA members that allege a dishonest taking of, or failure to account for, funds or property by a WSBA member, in connection with that member's practice of law can apply for a gift from the CPF. To be eligible, they must file a disciplinary grievance against the member with the Office of Disciplinary Counsel, unless the member has resigned in lieu of discipline; is disbarred or deceased. Because most applications involve members who are the subject of disciplinary grievances and proceedings, action on Fund applications normally awaits resolution of the disciplinary process.² This means that some applicants wait years for the discipline process to be complete before the Board reviews their application. However, to help expedite the application process, application review is in the order that an applicant filed their grievance (if applicable). Otherwise, an application is processed and reviewed in the order of receipt.

Eligibility: In order to be eligible for payment, an applicant must show by a clear preponderance of the evidence that he or she has suffered a loss of money or property through the dishonest acts of, or failure to account by, a WSBA member. Dishonesty includes, in addition to theft, embezzlement, and conversion, the refusal to return unearned fees as required by Rule 1.16 of the Rules of Professional Conduct.

² Fund Rule 6(h). In addition, Rule 3.4(i) of the Rules for Enforcement of Lawyer Conduct provides that otherwise confidential information obtained during the course of a disciplinary investigation may be released to the Client Protection Fund concerning applications pending before it. Such information is to be treated as confidential by the Board and Trustees.

The Fund is not available to compensate for member malpractice or professional negligence. It also cannot compensate for loan, investment, or other business transactions unrelated to the member's practice of law.

When an application is received, it is initially reviewed to determine whether it appears eligible for recovery from the Fund. If the application is ineligible on its face, the applicant is advised of the reasons for its ineligibility. If the application passes the initial intake process and appears potentially eligible for payment, Fund staff investigates the application. When the application is ripe for consideration by the Board, a report and recommendation is prepared by Fund staff.

Board and Trustee Review: On applications for less than \$25,000, or where the recommendation for payment is less than \$25,000, the Board's decision is final. Board recommendations on applications where the applicant seeks more than \$25,000, or where the Board recommends payment of more than \$25,000, are reviewed by the Trustees.

The maximum gift amount is \$150,000. There is no limit on the aggregate amount that may be paid on claims regarding a single member. Any payments from the Fund are gifts and are at the sole discretion of the Fund Board and Trustees.

Legal Fees: Members may not charge a fee for assisting with an application to the Fund, except with the consent and approval of the Trustees.

Assignment of Rights and Restitution: As part of accepting a gift from the Fund, applicants are required to sign a subrogation agreement for the amount of the gift. The Fund attempts to recover its payments from the members or former members on whose behalf gifts are made, when possible; however, recovery is generally successful only when it is a condition of a criminal sentencing, or when a member petitions for reinstatement to the Bar after disbarment.³ To date, the Fund (and its predecessors) has recovered approximately \$417,984.

Difficult Claims: One of the more difficult claim areas for the Board and Trustees involves fees paid to a member for which questionable service was performed. The Board is not in a position to evaluate the quality of services provided, or to determine whether the fee charged was reasonable, therefore, an application can generally be denied as a fee dispute. (The denial may also include other bases, such as malpractice or negligence.) However, where it appears that there is a pattern of conduct which establishes that a member knew or should have known at the time the member accepted fees from a client that the member would be unable to perform the service for which he or she was employed, or the member simply performs no service of value to the client, and does not return unearned fees, the Board has concluded that such conduct may be either dishonesty or failure to account within the context of the purposes of the Fund, and will consider such applications. Similarly, if a member withdraws from representing a client or abandons a client's case without refunding any unearned fee, the Board may conclude that the member has engaged in dishonest conduct or has failed to account for client funds.

³ Admission to Practice Rule 25.1(d) provides that no disbarred lawyer may petition for reinstatement until amounts paid by the Fund to indemnify against losses caused by the conduct of the disbarred lawyer have been repaid to the Fund, or a payment agreement has been reached.

Another difficult claim area concerns loans or investments made to or through members. In instances where there is an existing client/LLP relationship through which the member learns of his or her client's financial information, persuades the client to loan money or to invest with the member without complying with the disclosure and other requirements of RPC 1.8,⁴ and does not return the client's funds as agreed, the Board may consider that a dishonest act for purposes of the Fund.

⁴ In relevant part, RPC 1.8 provides:

- (a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:
 - (1) the transaction and terms on which the member acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
 - (2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and
 - (3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.
- (b) A member shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

III. FINANCES

The Fund is financed by an assessment as described above. The Fund is maintained as a trust, separate from other funds of the WSBA. In addition, interest on those funds accrues to the Fund, and any restitution paid by members is added to the Fund balance. The Fund is self-sustaining; administrative costs of the Fund, such as Board expenses and Bar staff support, are paid from the Fund.

	Fund beginning balance ⁵	Fund revenues received	Board expenses and overhead ⁶	Restitution received	Gifts recognized for payment
FY 2012 Pending applications at start of fiscal year: \$2,421,848	\$261,318	\$893,487	\$27,654	\$5,942	\$326,800
FY 2013 Pending applications at start of fiscal year: \$1,615,062	\$791,399	\$914,547	\$72,430	\$10,674	\$416,870
FY 2014 Pending applications at start of fiscal year: \$1,814,266	\$1,213,602	\$949,965	\$70,196	\$3,668	\$339,161
FY 2015 Pending applications at start of fiscal year: \$1,229,864	\$1,746,010	\$990,037	\$90,315	\$3,703	\$490,357
FY 2016 Pending applications at start of fiscal year: \$13,203,653	\$2,144,289	\$1,001,198	\$129,553	\$2,970	\$371,452 ⁷
FY 2017 Pending applications at start of fiscal year: \$1,463,914	\$2,646,222	\$1,024,954	\$113,672	\$3,709	\$318,584
FY 2018 Pending application at start of fiscal year: \$2,045,175	\$3,242,299	\$1,040,498	\$166,969	\$28,255	\$917,051 ⁸
FY 2019 Pending application at start of fiscal year: \$3,206,880	\$3,227,988	\$1,110,963	\$146,618	\$8,347	\$379,878

⁵ It is important for the Fund to maintain a sufficient balance to meet anticipated future needs. It is impossible to predict from year to year how many meritorious claims will be made by injured applicants.

⁶ Board expenses and overhead include WSBA staff time to administer the Fund, including processing of applications, helping members of the public, investigating claims, and making recommendations to the Board. Expenses and overhead have increased since 2012 as more resources have been allocated to eliminate backlogs, update systems, and improve processes, which have resulted in claims being resolved more efficiently and expeditiously.

⁷ The amount of gifts recognized in the FY 2016 financial statements are overstated by \$115,000 due to a duplicate recording of approved gifts. This was corrected in 2017 and explains the substantial difference between the amounts listed for FY 2016 and FY 2017 under this column as compared with the "Gifts Approved" column on page 2.

⁸ The amount of gifts recognized in the FY 2018 financial statements are understated by \$9,383 due to CPF gifts that were never claimed and have expired in FY 2018.

IV. BOARD AND TRUSTEE MEETINGS AND ACTIVITIES

Board: The Client Protection Board met four times this past fiscal year: November 5, 2018; May 6, 2019; and August 5, 2019. The Board considered 70 applications to the Fund involving 32 lawyers, and approved 48 applications involving 18 lawyers.

Fund Trustees: The Trustees reviewed the Board's recommendations on applications for more than \$25,000, or for payment of more than \$25,000, and approved the 2019 Annual Report for submission to the Supreme Court pursuant to APR 15(g).

Public Information: The Client Protection Fund maintains a website at <http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Client-Protection-Fund> that provides information about the Fund, its procedures, and an application form that can be downloaded. The Fund information is also available in Spanish, but applications and materials must be submitted in English.

V. APPLICATIONS AND PAYMENTS

At the beginning of FY 2019, there were 98 pending applications to the Fund. During FY 2019, 61 additional applications were received. The Board and Trustees acted on 70 applications concerning 32 lawyers and approved 48 applications concerning 18 lawyers. The total amount in approved payments is \$419,488. A summary of Board and Trustee actions is shown below.

Applications Pending as of October 1, 2019	98⁹
Applications Received During FY 2019	61
Applications Acted Upon by Board and Trustees	70
Applications Carried Over to FY 2020	89

Applications Approved for Payment in FY 2019	48
Applications approved for payment arose from the member's dishonest acts such as theft or conversion, failure to return or account for unearned legal fees, and investments or loans with members.	

Applications Denied in FY 2019	22
Applications were denied for reasons such as fee disputes, no evidence of dishonesty, alleged malpractice, restitution already paid in full, no attorney client relationship, and other reasons.	

⁹ Applications received or pending are still in investigation, not yet ripe, or temporarily stayed. All approved applications receive initial payments of up to \$5,000, with the balance reserved for possible proration against 75% of the Fund balance at fiscal year-end.

APPROVED APPLICATIONS

ATTORNEY	Number of Applications Approved	Dollar Amount of Applications Approved	Page Number
Border, Teresa, WSBA #19222	2	\$54,700	10
Callow, Edward, WSBA #41966	1	\$10,001	11
Crowley, John, WSBA #19868	11	\$112,750	12-15
Funchess, Amy, WSBA #37436	1	\$2,400	16
Hisey, Calli, WSBA #49784	1	\$10,374	16
Jacob, Michael, WSBA #11622	4	\$7,480	17-18
Kandratowicz, Aaron, WSBA #44304	1	\$14,000	19
Kok, Kent, WSBA #29650	1	\$10,100	19
La Rocco, Robert, WSBA #42536	14	\$30,549	20-25
Marsh, Samuel, WSBA #43756	3	\$7,950	26-27
Neal, Christopher, WSBA #33339	1	\$25,000	28
Parker, Jeffrey, WSBA #22944	1	\$108,894	28
Plonske, William, WSBA #4758	1	\$2,000	29
Prohaska, Frank, WSBA #27589	1	\$10,700	29
Rood, Karla, WSBA #42091	1	\$2,240	29
Smith, Jill, WSBA #41162	1	\$5,050	30
Stratemeyer, Douglas, WSBA #2638	2	\$2,800	31
Walberg, Lorn, WSBA #32730	1	\$2,500	32
	TOTAL:	\$419,488	

The following summarizes the gifts and recommendations made by the Board:

BORDER, TERESA, #19222 – DISBARRED

Applicant 18-034 – Decision: \$51,000

In October 2013, Applicant hired Border to represent him in an anti-harassment matter, paying a \$2,000 nonrefundable advance fee, with a fee agreement of a \$250 hourly rate. Under this agreement, Applicant paid Border additional advance fees totaling \$8,000. The case was eventually dismissed. On January 17, 2014, Applicant's father died. The probate proceedings began in February 2014. Applicant asked Border to represent him in the probate proceedings and requested a new fee agreement. Border never provided a new fee agreement. Border continued to call Applicant to ask for payments in increments of \$2,000, and later in increments of \$3,000. Border did not deposit the payments into her trust account and never provided Applicant any billing statements or an accounting of the work she performed. By November 30, 2015, Applicant paid Border a total of \$51,000. It became difficult for Applicant to contact Border. The work Border performed was of no value. On December 18, 2015, Applicant sent Border an email directing her to cease all work on the case until they had spoken; Border did not comply. In January 2016, Applicant terminated Border's representation, and requested that she forward his file to his new attorney, to provide a copy of his fee agreement, and a billing statement of all funds received from 2013 to 2016 and to refund the unearned fees. Border did not comply. On January 15, 2016, Border appeared in court for a status hearing, but did not file a notice of withdrawal. The Board approved payment of \$51,000.

Application 19-036 – Decision: \$3,700 Approved

In April 2015, Applicant hired Border to represent him in a family law matter, paying a minimum advance fee of \$1,500. Thereafter, Applicant was to pay Border an hourly rate of \$250 and make payments of \$200 per month. Between April 2015 and March 2016, Applicant paid Border a total of \$3,700. Border did not deposit any of the fees into her trust account. On November 12, 2015, Border filed a Petition for Non-Parental Custody and on March 24, 2016, she obtained a default order. After receiving Applicant's last payment of \$200, Border became difficult to contact. On March 30, 2016, the opposing party in the matter had the default order vacated and a status conference hearing scheduled for May 12, 2016. On May 11, 2016, Border's license to practice law was suspended for failing to comply with MCLE requirements. Border did not notify Applicant or the court of her suspension and did not appear at the status conference or any other hearings thereafter. On October 25, 2016, the court dismissed the case with no orders in place and the case was unresolved. Border did not return any unearned fees and did not provide Applicant any billing statements or accounting for any of the work she performed. Although Border filed the petition and obtained a default, the work performed was of no value, and she failed to complete the case, resulting in Applicant's case dismissal. The Board approved payment of \$3,700.

CALLOW, EDWARD, #41966 – DISBARRED

Applicant 18-109 – Decision: \$10,000.50

This application was a supplemental application to Applicant’s previous claim to the Client Protection Fund for the same personal injury matter. Applicant’s counsel discovered that Callow also obtained settlement for a third party personal injury claim against Safeway for \$15,000. Applicant never received any portion of the settlement proceeds. At the time of the previous application, Applicant was unaware of the third-party settlement. However, Applicant’s counsel obtained proof of the payment and assisted Applicant with seeking an additional gift from the Fund. This settlement was also subject to a contingent fee of \$4,999.50, which Callow earned. The Board approved payment of \$10,000.50.

CROWLEY, JOHN, #19868 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 18-051 – Decision: \$13,000 Approved

In September 2016, Applicant hired Crowley to represent him in a criminal matter paying \$13,000. At their initial meeting, Crowley informed Applicant that it would take up to a year for the court to file charges against him and that he would issue Applicant a refund of the unearned fee, if not. Thereafter, it became difficult for Applicant to contact Crowley. Crowley's office told Applicant that there was no need to continue to contact Crowley unless contacted by law enforcement. After a full year, with no contact by law enforcement or charges filed against him, Applicant tried to contact Crowley with no return response. Applicant later discovered that Crowley was no longer practicing law. Crowley never returned the unearned fee. The Board approved payment of \$13,000.

Applicant 18-054 – Decision: \$10,000 Approved

In May 2017, Applicant hired Crowley to represent him in criminal matters in the Western District of Washington and the District of Montana, paying \$10,000 in cash. Thereafter, it became difficult to communicate with Crowley. Crowley visited Applicant at the Federal Detention Center a few times; the first time was to introduce himself, the second time was to discuss the case in broad terms, and the final visit was to inform Applicant that Crowley was going to move to withdraw from the case. Crowley had performed no work of value. Crowley allowed deadlines to expire without discussing them with Applicant. Crowley never informed Applicant of his options in the case. Crowley did not communicate with anyone concerning the substance of Applicant's case. On September 11, 2017, Crowley filed a motion to withdraw; the judge granted the withdrawal on September 14, 2017. The lack of Crowley's performance in this case caused Applicant to spend more time than necessary in federal custody. The Board approved payment of \$10,000.

Applicant 18-055 – Decision: \$6,250 Approved

In December 2012, Applicant hired Crowley to represent him in a criminal matter in Island County paying a flat fee of \$6,250 for representation up to trial, and agreeing to an additional \$6,250 if the case went to trial. At Applicant's January 14, 2013 hearing, Crowley sent a substitute who requested a continuance and a hearing scheduled for January 22, 2013 was set. On January 22, Crowley sent another substitute. On January 30, 2013, in Skagit County, Applicant was arrested on felony charges. As a result, a hearing scheduled on February 25, 2013, in Island County to revoke Applicant's pretrial release. Applicant made several unsuccessful attempts to contact Crowley. Crowley finally contacted Applicant and assured him that he would appear at the February 25 hearing in Island County. Crowley failed to appear, and the judge issued a bench warrant for Applicant's arrest. In March 2013, Applicant's Skagit County attorney and Prosecutors from both Island and Skagit Counties were unsuccessful in their attempts to contact Crowley to discuss the possibility of a global resolution. On May 15, 2013, Crowley responded to the Skagit County prosecutor's email, indicating that he still represented Applicant and that he would contact the Skagit County attorney about the global resolution. Crowley never contacted the attorney. The

Skagit County attorney and the Skagit County prosecutor finalized the global resolution without Crowley's involvement. Crowley performed no work of value for Applicant and did not issue a refund of the unearned fee. The Board approved payment of \$6,250.

Applicant 18-059 – Decision: \$15,000 Approved

In March 2015, Applicant hired Crowley to represent him in a criminal matter paying a two-tiered structured flat fee, a pre-trial fee of \$15,000 and a trial fee of \$15,000. After paying Crowley a total of \$30,000, it became difficult for Applicant to contact Crowley. Applicant's wife often had to contact Crowley to remind him of the hearings. Crowley would send a substitute to the hearings, and court dates were repeatedly continued. On November 17, 2017, Crowley did not appear in court for a scheduled hearing. Applicant's wife tried to contact Crowley on his cell phone and at his office, but Crowley's office phone was no longer in service. During the November court hearing, the judge informed Applicant that Crowley had resigned in lieu of discipline. There was no evidence of pre-trial work from Crowley. On November 21, 2017, Applicant consulted with new counsel, where he received more information about his case than he had received from Crowley in his two years of representation. The Board approved payment of \$15,000.

Applicant 18-060 – Decision: \$9,500 Approved

In August 2016, Applicant hired Crowley to represent him in a criminal matter paying \$9,500. After receiving the fee, Crowley advised Applicant to check himself into a rehabilitation facility. On August 19, 2016, because Applicant failed to appear in court, because he was in rehabilitation and Crowley did not appear on his behalf, Applicant received a bench warrant. On September 1, 2016, Crowley filed a notice of appearance and request for discovery. One year later, at the first court appearance, Crowley withdrew because he had resigned in lieu of discipline. The Board approved payment of \$9,500.

Applicant 18-068 – Decision: \$10,000 Approved

In June 2017, Applicant hired Crowley to represent him in a criminal matter, paying \$10,000. On July 11, 2017, Crowley filed a Motion to Substitute Counsel. Crowley agreed to represent Applicant throughout the entire trial and through sentencing. Thereafter, it became difficult to contact Crowley. On August 9, 2017, Crowley appeared at one court hearing and then stopped answering all forms of communication. On September 11, 2017, Crowley filed a motion to withdraw. On September 13, 2017, the judge appointed new counsel to represent Applicant. Crowley did not perform any work on Applicant's case, and did not return unearned fees. The Board approved payment of \$10,000.

Applicant 18-073 – Decision: \$7,500 Approved

In February 2016, Applicant hired Crowley to represent him on a sexual assault allegation, paying a flat fee of \$7,500. Applicant had no charges filed against him; therefore, there was no case. When Applicant tried to contact Crowley to get his fee back, he learned that Crowley resigned in lieu of discipline. The Board approved payment of \$7,500.

Applicant 18-075 – Decision: \$10,000 Approved

On July 13, 2011, Applicant's mother hired Crowley to represent him in filing a Personal Restraint Petition (PRP), paying \$10,000. Thereafter, it became difficult to communicate with Crowley. Applicant's and his mother's attempts to contact Crowley were unsuccessful. Crowley claimed that Applicant's mother owed him \$5,000 for the case; however, she refused to pay more money, without seeing any work product. Crowley never performed any work or filed a PRP on Applicant's behalf and never returned the unearned fee. The Board approved payment of \$10,000.

Applicant 18-078 – Decision \$6,500 Approved

In July 2016, Applicant hired Crowley to represent him in a criminal matter, paying a flat fee of \$6,500. Thereafter, it became difficult to communicate with Crowley. On July 3, 2017, Applicant had charges filed against him. On July 26, 2017, Crowley filed a notice of appearance in Applicant's matter. On September 11, 2017, Crowley filed a motion for change of plea, and stopped answering Applicant's calls. On October 23, 2017, When Crowley did not appear at Applicant's pre-trial hearing, Applicant learned that Crowley Resigned in Lieu of Discipline. A Public Defender, was still in the courtroom, and observed that Applicant did not have counsel. The Public Defender stood in as a friend of the court to motion for a continuance until Applicant could seek new counsel. Applicant hired new counsel, who stated that when he took on the case, he had to start over, because he never received any discovery or any information regarding the status of the case. The Board approved payment of \$6,500.

Applicant 18-103 – Decision: \$20,000 Approved

In March 2016, Applicant hired Crowley to represent him in an alleged criminal matter, paying \$20,000. Thereafter, Crowley became less responsive. Applicant called daily for months with no return response. In early 2017, Applicant called Crowley's office and learned that the number was no longer in service. There was never a case filed against Applicant and Crowley never returned the unearned fee. The Board approved payment of \$20,000.

Applicant 18-113 – Decision: \$5,000 Approved

In October 2016, Applicant hired Crowley to represent him in a criminal matter, paying \$5,000. Thereafter, it became difficult to communicate with Crowley. Prior to Crowley's representation, Applicant was represented by a Public Defender. When Crowley failed to appear at Applicant's

court dates, the judge became frustrated and Applicant's former Public Defender stepped in, resulting in him eventually taking the case back. When the Public Defender took the case back, the case was no different from the work he performed prior to Crowley taking the case.

FUNCHESS, AMY, #37436 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 18-040 – Decision: \$2,400 Approved

In December 2014, Applicant hired Funchess to represent him in a debt collection matter, paying \$8,786.82. Applicant feels that the fee was excessive because Funchess worked fewer hours on the matter than the amount of money he paid. Funchess filed a Writ of Execution to obtain personal property from a debtor on Applicant's behalf. However, the debtor filed bankruptcy; leaving the matter unresolved. Applicant and Funchess agreed to a monthly payment arrangement on a refund of \$3,000. Funchess had made two payments totaling \$600 and then stopped. She then resigned in lieu of discipline. In an email dated May 27, 2017, Funchess told Applicant she was no longer making payments on her debt to the Applicant. Funchess stated that she only agreed to the refund because Applicant threatened to file a grievance and now that WSBA had no jurisdiction over her, she was no longer obligated to maintain the payments. Applicant turned to the Client Protection Fund for the balance of the refund. The Board approved payment of \$2,400.

HISEY, CALLI, #49784 – DISABILITY INACTIVE

Applicant 18-122 – Decision: \$10,374.32

In June 2017, Applicant hired Hisey to represent him in a family law matter, paying \$17,000. During the representation, Hisey provided Applicant with detailed invoices for September and October 2017, for services performed from August to October 2017. Applicant does not feel that the services Hisey billed for were of any benefit to his case. However, Hisey's invoices are evidence that she earned \$6,625.68. The Board approved payment of \$10,374.32.

JACOB, MICHAEL, #11622 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 17-026 – Decision: \$3,000 Approved

In March 2016, Applicants hired Jacob to represent them in an immigration matter, paying \$3,000. Applicants needed representation to file an EOIB 42B application to allow them to obtain legal status to care for their disabled child, who is a U.S. citizen. The couple did not sign a fee agreement and Jacob did not put the funds into a trust account. Jacob never filed the application on behalf of the Applicants and never refunded the unearned fees. In June 2018, Jacob agreed to pay restitution of \$3,000 in his resignation form. Jacob never made a payment. The Board approved payment of \$3,000.

Applicant 18-049 – Decision: \$480 Approved

In February 2014, Applicant hired Jacob to represent him in an immigration matter while detained by ICE in Arizona, paying \$3,000 and all of Jacob's travel expenses. Applicant had a hearing scheduled for February 10, 2014, which the court rescheduled to the following week. The judge tried to contact Jacob, with no return response, resulting in Applicant spending an additional 10 days in jail. In March 2016, ICE moved Applicant to Los Angeles, California, and had a hearing on March 8, 2016, which Jacob did attend. On March 4, 2016, Applicant signed and paid \$480 for an I-765 application for employment authorization. After a year of asking about the status of the application, Jacob finally told Applicant that he never submitted it. Applicant requested that Jacob return the \$480 application fee, but he never did. In June 2016, Jacob sent a letter to Applicant to inform him of his suspension from the practice of law and that he would not be able to appear for Applicant's hearing, the following week. Jacob told Applicant that he would be back for his next hearing in February 2017. Jacob did not attend Applicant's February hearing. Applicant lost his case and the case closed. Applicant had to hire new counsel to reopen his case. In June 2018, Jacob agreed to pay restitution of \$480 in his resignation form. Jacob never made a payment. The Board approved payment of \$480.

Applicant 18-065 – Decision: \$2,000

In March 2014, Applicant hired Jacob to represent him in an immigration matter, paying \$5,350. Applicant felt that his case went under-represented and that he overpaid for incomplete services, due to Jacob's discipline matters. Applicant had to hire new counsel. The proof of payment provided exhibits that Applicant made payments to Jacob over a period of two year for services that Jacob provided. However, Jacob could no longer represent him to complete his case and to earn the full fee. In June 2018, Jacob agreed to pay restitution of \$2,000 in his resignation form. Jacob never made a payment. The Board approved payment of \$2000.

Applicant 18-115 – Decision: \$2,000 Approved

In December 2014, Applicant hired Jacob to represent him in an immigration matter, while detained by ICE in Tacoma, paying \$2,000. Applicant stated that the agreement was to bail him out and to proceed with his case. Upon Applicant's release from ICE, he made unsuccessful attempts to

contact Jacob to check the status of his immigration case. On January 6, 2018, Jacob contacted Applicant to inform him that he was no longer able to practice law and could not represent him. Applicant requested that Jacob refund the unearned fee. Jacob told Applicant that he did not have any money left but agreed that he owed Applicant the unearned fee. In June 2018, Jacob agreed to pay restitution of \$2,000 in his resignation form. Jacob never made a payment. The Board approved payment of \$2,000.

KANDRATOWICZ, AARON, #44304 - DISBARRED

Applicant 18-045 – Decision: \$14,000 Approved

In August 2015, Applicant hired Kandradowicz to represent her late brother in a criminal matter, paying an advance fee deposit totaling \$14,000. Soon after, Kandradowicz began to withdraw funds without informing Applicant or her brother. On September 5, 2016, Applicant's brother passed away. Kandradowicz never prepared or filed anything in the matter prior to the brother's death, and therefore, knew he would have to return the unearned \$14,000 fee. Kandradowicz never did return the fee, yet he continued to withdraw funds from his trust account for his own use. In March 2017, Applicant filed a grievance. In November 2017, Kandradowicz's trust account had a balance of \$9,226.40, yet he still never returned any portion of the unearned fee. The Board approved payment of \$14,000.

KOK, KENT, #29650 - DISBARRED

Applicant 15-035 – Decision: \$10,100 Approved

Applicants requested a reconsideration of the partial denial of their previous application. In May 2016, the Board recommended paying \$250 of Applicant's application for unearned fees, as this is the amount of restitution Kok stipulated to in his Stipulation to Disbarment, dated June 17, 2015. The Board denied the balance of Applicants' application: \$309,750, as a fee dispute and consequential damages. The Applicants requested that the Board reconsider and award \$10,100, as they submitted additional proof of payment in the form of credit card transaction statements, which show payments to Kok Law Office of Bellingham for \$5,000 on February 18, 2013, and \$5,100 on March 21, 2013. The Board approved payment of \$10,100.

LA ROCCO, ROBERT, #42536 – DISBARRED

Applicant 17-015 – Decision: \$800 Approved

In August 2015, Applicant hired La Rocco to represent her in a family law matter, paying \$800. The scope of La Rocco's representation was to obtain trust money owed to Applicant by her ex-husband for Post-Secondary Child Support. Applicant alleges that in the first six months of representation it was very difficult to keep in contact with La Rocco. Applicant also states that when La Rocco did contact her, he made promises, but failed to show that there was any work performed. In August 2016, Applicant terminated La Rocco's representation. After terminating La Rocco, Applicant learned that the claim for the trust money expired six months before she hired La Rocco. La Rocco never returned the unearned fee. The Board approved payment of \$800.

Applicant 17-040 – Decision: \$1,600 Approved

In April 2016, Applicant hired La Rocco to represent her in a bankruptcy proceeding. The representation agreement provided that it would include analysis, preparation, and submission of bankruptcy documents, attendance at the meeting of creditors, and submission of counseling certificates. Applicant gave La Rocco five checks for \$250 and one for \$350, totaling \$1,600. Between April 22 and June 29, 2016, La Rocco cashed the five \$250 checks. On June 30, 2016, La Rocco was suspended from practicing law in the U.S. Bankruptcy Court for the Western District of Washington. La Rocco did not inform Applicant of his suspension. On July 5, 2016, La Rocco cashed Applicant's \$350 check. La Rocco did not earn the \$1,600. In September 2016, Applicant made an appointment to meet with La Rocco, but La Rocco cancelled the appointment. Applicant tried to contact La Rocco with no return response. In November 2016, Applicant went to La Rocco's office and he told her they would go to court on November 21, 2016. This was false as La Rocco was still suspended. On November 30, 2016, after many failed attempts of meeting with La Rocco, Applicant filed a WSBA grievance. La Rocco did not respond to the grievance and never returned the unearned fee. The Board approved payment of \$1,600.

Applicant 17-050 – Decision: \$1,600 Approved

In April 2016, Applicant hired La Rocco to represent her in a Chapter 7 bankruptcy proceeding, paying \$1,600. Representation was to include the preparation and filing of the bankruptcy. In June 2016, it became difficult for Applicant to contact La Rocco. On June 30, 2016, La Rocco was suspended from practicing in the U.S. Bankruptcy Court for the Western District of Washington. La Rocco did not inform Applicant of the suspension. La Rocco never filed Applicant's bankruptcy petition. In November 2016, La Rocco told Applicant everything was fine and that it would take another couple months for the bankruptcy to be finalized. This statement was false, as La Rocco was still suspended. Thereafter, La Rocco stopped communicating with Applicant. On March 29, 2017, Applicant filed a WSBA grievance. La Rocco did not respond to the grievance and did not return the unearned fee. The Board approved payment of \$1,600.

Applicant 17-059 – Decision: \$1,300 Approved

In May 2016, Applicant hired La Rocco to represent him in a dissolution proceeding, paying \$1,300. La Rocco prepared the initial paperwork for the dissolution. In July 2016, Applicant's wife signed the dissolution paperwork and Applicant returned the signed documents to La Rocco. After July 2016, it became difficult for Applicant to contact La Rocco. In August 2016, La Rocco told Applicant that he filed his dissolution and that it would be final in three months. La Rocco's statements were false. In November 2016, Applicant contacted the court and learned that La Rocco had never filed his dissolution paperwork. Applicant contacted La Rocco on Facebook and sent him messages demanding a status of his case. La Rocco told Applicant that he would be in contact with him, but he never did. On March 23, 2017, La Rocco sent Applicant a Facebook message, stating that his case had been filed and to expect the paperwork by Tuesday. La Rocco's statements were false. La Rocco had not filed any documents. La Rocco made the false statements with the intent to benefit himself by concealing the fact that he had failed to perform services for Applicant. La Rocco used Applicant's funds for his own benefit. The Board approved payment of \$1,300.

Applicant 17-060 – Decision: \$3,000 Approved

In May 2016, Applicant hired La Rocco to represent her in a family law matter, paying a \$3,000 advance fee. On May 27, 2016, La Rocco filed a notice of appearance in the case. Thereafter, it became difficult for Applicant to contact La Rocco. Between May 27, 2016 and August 2016, La Rocco did not return Applicant's phone calls. In August 2016, La Rocco called Applicant and told her that she had a hearing on September 8, 2016. La Rocco's statement was false, as he had not filed any documents to set a hearing. On September 8, 2016, Applicant went to court for the hearing and learned that there was no hearing set for that day or any other day. Applicant again began trying to contact La Rocco, with no return response. In late October 2016, Applicant left La Rocco a message to terminate his representation and to request the return of the unearned advance fee so that she could hire a new lawyer. La Rocco called her back and stated that she had a court date scheduled in November. La Rocco's statement was false. Applicant called the clerk at Whatcom County Superior Court, and learned that there was no court date set for November or any other date. Applicant drove to La Rocco's offices on both Lakeview Drive and Maple Street, only to find that La Rocco had abandoned both of his offices. In February of 2017, Applicant hired new counsel, who sent La Rocco two certified letters demanding an accounting of the \$3,000 Applicant had paid. La Rocco did not respond and did not refund Applicant's fee. La Rocco used Applicant's funds for his own benefit. The Board approved payment of \$3,000.

Applicant 17-067 – Decision: \$500 Approved

In December 2016, Applicant hired La Rocco to represent her in a family law matter, paying a \$500 advanced fee and agreeing to pay La Rocco \$200-\$300 per month until her case was complete. Thereafter, it became difficult for Applicant to contact La Rocco. On December 14, 2016, Applicant arrived at La Rocco's office for a scheduled meeting; La Rocco was a no show for the meeting. Applicant attempted to contact La Rocco multiple times with no return response. In late December 2016, Applicant went to the court to investigate whether La Rocco had filed any paperwork

regarding her case and learned that La Rocco did not file anything. On December 31, 2016, Applicant sent La Rocco a message terminating his representation and requesting a refund of the unearned advance fee. La Rocco did not respond or return the unearned fee. The Board approved payment of \$500.

Applicant 17-068 – Decision: \$5,400 Approved

On March 4, 2016, Applicant hired La Rocco to represent him in a child custody proceeding, paying a total of \$8,400. La Rocco agreed to petition the court for visitation immediately. Thereafter and throughout the course of the representation, it became difficult for Applicant to contact La Rocco. On June 8, 2016, Applicant was arrested for stalking his wife. Applicant paid La Rocco \$1,650 to represent him against the charges. La Rocco performed little to no work on the matter. While Applicant was in jail, his wife filed a protection order. A hearing was set for June 15, 2016, and La Rocco told Applicant that he would appear on his behalf. La Rocco did not appear at the hearing. The court granted a one-year protection order, prohibiting Applicant from seeing his son. On June 15, 2016, La Rocco called Applicant and told him that he won visitation and that he would be able to see his son in four to six weeks. La Rocco's statements were false, as were all statements and misrepresentations throughout the course of the case, because La Rocco never filed any documents with the court in this matter. From June 15, 2016 to October 6, 2016, La Rocco did not return Applicant's calls. On October 7, 2016, Applicant finally got in contact with La Rocco and asked about the delay in seeing his son. La Rocco falsely told Applicant that he should be receiving an order for visitation within ten days. In November 2016, La Rocco falsely told Applicant that opposing counsel was fighting the visitation and that they had to go back to court on November 25, 2016. On November 25, 2016, La Rocco contacted Applicant, falsely stating that there was no need to appear in court because opposing counsel had consented to the visitation. In November 2016, La Rocco requested an additional \$3,000. Applicant paid the \$3,000 with his credit card and requested a complete accounting. La Rocco did not comply with the request. On December 19, 2016, Applicant petitioned the court to terminate La Rocco's representation and the motion was granted. Applicant made several demands for the return of the unearned fees. La Rocco did not respond. The Board approved payment of \$5,400.

Applicant 17-070 – Decision: \$1,000 Approved

In January 2017, Applicant hired La Rocco to represent him in a family law matter. La Rocco's fee was \$3,500, but he agreed to accept a \$1,000 deposit, with monthly payments of \$500. Applicant's mother wrote La Rocco a check for the \$1,000 deposit. On January 31, 2017, Applicant met La Rocco at his office to sign paperwork to request an emergency ex parte hearing. On February 1, 2017, Applicant completed a parenting plan at La Rocco's office. La Rocco told Applicant that he would be appearing before a commissioner on February 1, 2017 to present the emergency ex parte order request for the return of the children. On February 1, 2017, Applicant's mother contacted La Rocco, and he stated that the commissioner denied the request. La Rocco's statement was false;

he never filed any documents and did not meet with the ex parte commissioner. Throughout the course of the representation, La Rocco continued to make such false statements and misrepresentations regarding the case to Applicant. It became difficult for Applicant to contact La Rocco. On February 13, 2017, Applicant's mother went to the Clerk's office and learned that La Rocco never made any filings. Thereafter, Applicant terminated La Rocco's representation and requested the return of original documents and the unearned deposit. La Rocco did not respond. On February 16, 2017, La Rocco, without authorization, filed a motion for a temporary order. On February 23, 2017, Applicant's new counsel sent La Rocco a letter requesting a refund. The new counsel states that the documents that La Rocco filed on February 16, 2017 had significant deficiencies; she filed a new motion on Applicant's behalf. On April 17, 2017, Applicant filed a WSBA grievance. La Rocco did not respond or return the unearned deposit. The Board approved payment of \$1,000.

Applicant 17-071 – Decision: \$999 Approved

In August 2012, the Applicants hired La Rocco to represent them in filing a Chapter 7 bankruptcy, paying \$999. On August 10, 2012, La Rocco filed the bankruptcy. On November 8, 2012, the court notified the Applicants by mail that they must complete a course and file "Debtor's Certification of Completion of Post-Petition Instructional Course Concerning Personal Financial Management." La Rocco also received the notice. La Rocco did not file the certificate, resulting in the court closing the Applicant's bankruptcy case without discharge. On December 28, 2012, the court sent a notice of the dismissal to La Rocco. On December 30, 2012, the court mailed the notice of the dismissal to the Applicants. The Applicants took the notice to La Rocco and he assured the Applicants that this notice was a mistake and that he would take care of everything. La Rocco did no work to get the proceedings reinstated. Thereafter, La Rocco continued to make false representations of the bankruptcy matter, leading the Applicants to believe that their bankruptcy had completed. In August 2014, the Applicants began to receive calls from creditors and La Rocco continued to assure them that it was all a mistake and that he was going to handle it. In or around March 2016, the Applicants eventually learned that they were misled. The Board approved payment of \$999.

Applicant 17-072 – Decision: \$2,500 Approved

In May 2016, Applicant hired La Rocco to represent her in a dissolution and custody matter paying \$2,500. In 2013, Applicant and her ex-husband were divorced in California. In December 2015, Applicant' ex-husband filed a second petition for dissolution in Whatcom County seeking custody of their children. On June 2, 2016, La Rocco filed a Motion for Order of Dismissal and falsely informed Applicant that there was a hearing scheduled for June 13, 2016, and that she needed to appear. On June 13, 2016, Applicant appeared for the hearing and learned that there was no hearing that day. La Rocco later set the hearing on his motion to dismiss for June 23, 2016, but did not inform Applicant of the hearing. On June 23, 2016, neither La Rocco nor Applicant appeared at the hearing. It became difficult for Applicant to contact La Rocco. After many failed attempts to contact La Rocco, Applicant spoke with someone at a non-profit advocacy group in Bellingham, who

informed her of the June 23, 2016 hearing, and that no one appeared in court. Applicant called La Rocco multiple times, with no return response. Applicant made numerous requests for a refund and the return of her documents. La Rocco did not respond to any of the requests. In December 2016, Applicant filed a WSBA grievance. The Board approved payment of \$2,500.

Applicant 18-006 – Decision: \$3,750 Approved

In 2012, Applicant hired La Rocco to represent her in a criminal matter through trial. Applicant gave La Rocco \$3,750 to pay an expert psychologist for her trial. La Rocco never paid the expert. During the course of the representation, it became difficult for Applicant to contact La Rocco. La Rocco gave Applicant misrepresentations of her case and hearing dates, resulting in the opposing party obtaining a judgment against her for professional fees. Applicant terminated La Rocco and hired new counsel. La Rocco converted \$3,750 for his own use, leaving Applicant's father-in-law to pay the expert. The Board approved payment of \$3,750.

Applicant 18-020 – Decision: \$2,500 Approved

In October 2015, Applicant hired La Rocco to represent her in a custody matter, paying an advance fee of \$2,500. Applicant told La Rocco that her communication with her daughter had terminated and that she feared for her daughter's safety. La Rocco assured Applicant that her daughter would be home within a few weeks. Thereafter, it became difficult for Applicant to contact La Rocco. Between October 2015 and January 2016, Applicant attempted to check the status of her case, with no return response. On January 27, 2016, La Rocco sent Applicant an email stating that he had submitted her petition and requested a hearing for a temporary order on February 18 or 19. This information was false. In February 2016, La Rocco called Applicant to inform her of a hearing with the judge, but stated that she did not have to appear. Later he told her that the hearing had to be postponed because the judge had been ill. This information was also false. In March 2016, Applicant drove to Virginia to look for her daughter, during which time La Rocco informed her of a hearing. Applicant drove back to Washington for the hearing, only to be told by La Rocco that it had been cancelled. This information was false, as there was never a hearing scheduled. In April 2016, Applicant demanded her client file, an explanation of the status of her case, an accounting of the funds La Rocco had received from her, and a refund of the remaining balance. La Rocco never provided any of the information or the refund. La Rocco never performed any work in Applicant's matter. He received the funds and thereafter made misrepresentations of the status of her case and hearing dates. The Board approved payment of \$2,500.

Applicant 18-021 – Decision: \$3,000 Approved

In June 2011, Applicant hired La Rocco to represent him in a dissolution, paying an advance fee of \$3,000. In August 2011, La Rocco filed Applicant's petition for dissolution. After several months passed, Applicant asked La Rocco why it was taking so long and La Rocco assured him that the case would be completed soon. In January 2012, La Rocco told Applicant that Applicant's wife had defaulted, which was a lie, as La Rocco had never served the dissolution upon her. In April 2012,

the court issued an order to show-cause because there was no proof of service filed for more than four months. La Rocco did not respond to the notice nor did he inform Applicant, resulting in the case being dismissed in July 2012. La Rocco did not inform Applicant of the dismissal; instead, he lied to Applicant from July 2012 to May 2013, saying that his dissolution was pending. In May 2013, Applicant learned from the court that his case had been dismissed and confronted La Rocco, who said there was a mistake and that he would refile the dissolution. La Rocco never re-filed the dissolution until May 2014. Over the course of three years La Rocco strung Applicant along by misrepresenting the status of his case and falsely stating that he had attended hearings and that his case was going to trial. Applicant requested a copy of his client file and a refund, neither of which he received. The Board approved payment of \$3,000.

Applicant 18-079 – Decision: \$2,600 Approved

In May 2016, Applicant hired La Rocco to represent him in finalizing his divorce and in a child custody matter, paying a total of \$4,450. On September 24, 2016, Applicant made his last payment of \$1,000 to La Rocco, putting him \$2,600 ahead in fees to La Rocco. On October 3, 2016, La Rocco failed to appear at an important settlement conference. On October 4, 2016, La Rocco told Applicant that he would file for a new trial setting conference, but failed to do so. On October 4, 2016, Applicant sent La Rocco an email to terminate his representation, asking him to file a notice of withdrawal and to refund the \$2,600 from his trust account. On October 4, 2016, La Rocco sent a response stating that he would have the funds to Applicant on October 7, 2016. On October 6, 2016, Applicant sent La Rocco a follow-up email to confirm the prior arrangement and La Rocco asked Applicant if he was sure about terminating representation and proposed setting a new trial setting date. Applicant told La Rocco he no longer wanted his representation. On October 11, 2016, La Rocco emailed Applicant stating that he scheduled a new trial setting for November 11, 2016. Applicant knew this was a lie, because November 11 was Veteran's Day. On October 24, 2016, Applicant met with a Supervisor at Whatcom County Superior Court, because they needed to know his intentions for his case, as they were unable to reach La Rocco. On October 25, 2016, Applicant filed a WSBA grievance against La Rocco. The Board approved payment of \$2,600.

MARSH, SAMUEL, #43756 – DISBARRED

Applicant 15-064 – Decision: \$2,850 Approved

In September 2013, Applicant hired Marsh to represent him on an immigration appeal that Applicant began pro se, paying a total of \$3,000. Applicant deposited \$1,500 into Marsh's general bank account. Applicant later made an additional payment of \$1,350 into Marsh's general account. Marsh did not deposit any of the funds into his trust account and never took any action on the appeal. On December 12, 2013, the Ninth Circuit issued a memorandum, denying Applicant's appeal. Marsh took no action regarding the memorandum. On February 10, 2014, the Ninth Circuit issued its mandate in Applicant's appeal. Marsh did not communicate with Applicant about the status of the appeal. On February 25, 2014, Marsh sent Applicant an I-589 petition for asylum to complete and return it to him, which Applicant did. In February 2014, Applicant received a notice from U.S. Immigration and Enforcement (ICE) ordering him to appear "to complete" his departure, in Reno, Nevada on March 25, 2014. On February 27, 2014, Applicant emailed the notice to Marsh, with no return response. Between February 27 and March 25, 2014, it became difficult for Applicant to contact Marsh. On March 18, 2014, Marsh filed a motion to reopen and a motion to stay removal with the BIA on behalf of Applicant. Marsh did not explain the motion filing process. A motion to reopen is to be filed within 90 days of the final order of removal. However, the time limit can be waived, under certain circumstances. Marsh's motion lacked the requirements of the supporting documentation, resulting in BIA denying the motion on June 27, 2014. Marsh performed little to no work of value on Applicant's behalf and was not entitled to the \$2,850 fee. The Board approved payment of \$2,850.

Applicant 17-055 – Decision: \$3,200 Approved

In February 2015, Applicant hired Marsh to represent her in an immigration matter, paying \$1,500. Applicant signed a retainer agreement that stated that Marsh would represent her in the submission and representation of an N-336, Request for a Hearing on a Decision in Naturalization. The agreement quoted a flat fee of \$2,500 and that "the down payment (retainer fee) is non-refundable." The agreement did not include the provisions required in order for the flat fee to be Marsh's property upon receipt, and he did not place the funds into his trust account. Marsh did not submit the N-336 request for hearing by the February 12, 2015 deadline nor did he inform the Applicant of that fact. However, on February 17, 2015, Marsh's requested an additional \$1,600 by direct deposit into his Bank of America account, which was not a trust account. On February 20, 2015, Marsh filed the N-336 with USCIS, and he again failed to inform the Applicant that he had filed the appeal past the deadline. On March 8, 2016, Applicant received a letter from USCIS stating that the N-336 received on February 20, 2015, was rejected as untimely. The Applicant called Marsh who told her, he would get back to her, but he never did. On April 22, 2016, when Applicant contacted Marsh, he told her to file a WSBA grievance. The Board approved payment of \$3,200.

Applicant 17-077 – Decision: \$1,900 Approved

In November 2012, Applicant's wife hired Marsh to represent her incarcerated husband in an immigration matter, paying \$1,800 towards a flat fee charge of \$5,000. Marsh told Applicant's wife that he would request Applicant's immigration file immediately to begin working on the case. On January 2, 2013, Applicant plead no contest to drug possession and sentenced to time served. ICE took possession of Applicant immediately. On January 5, 2013, Applicant arrived at Northwest Detention Center (NDC) in Tacoma, Washington. On January 7, 2013, Applicant's wife sent Marsh a text requesting the status of the filing of both a G-28 form and about his planned motion to stay Applicant's deportation and to reopen his immigration case. On the following day, Applicant's wife asked Marsh if Applicant needed to sign any of the documents. In Marsh's response, he indicated that he would fax Applicant's wife the documents and that she should file them herself with the immigration court at the NDC in Tacoma. Applicant's wife was concerned about whether the court would accept faxed documents. Marsh told Applicant's wife not to show the fax information on the top or bottom of the documents, or to white-it-out and recopy and to trace over his signature. However, later that same day Marsh decided to do the filing at the Immigration Court in Los Angeles (LA) and requested that Applicant's wife deposit \$60 into his bank account for gas money to drive to LA. Applicant's wife deposited \$100 into Marsh's account. On January 9, 2013, Marsh filed the documents with the Immigration Court in LA and faxed a copy to the ICE Officer handling Applicant's case. The materials consisted of a G-28 form, an I-246 form, a Fee Waiver Request, and motions to stay deportation and to reopen Applicant's immigration case. These documents contained Applicant's signature and a couple of the documents submitted under penalty of perjury. Marsh never met with Applicant to obtain the signature, despite the fact that Applicant's wife specifically asked him if he needed Applicant's signature. Applicant's wife did not receive a copy of the documents before Marsh submitted to the ICE Officer. Applicant's wife testified that her first time seeing the documents was on January 14, 2013. As the case continued, Marsh made multiple mistakes in filing Applicant's documents. Marsh did not file the adequate forms to support the motion to stay deportation and to reopen Applicant's immigration case. Therefore, it was denied on the day it was received. Marsh's Motion to Reopen was deficient and it did not meeting the standards of minimal competence for an immigration lawyer. The Board approved payment of \$1,900.

NEAL, CHRISTOPHER, #33339 – DISBARRED

Applicant 19-022 – Decision: \$25,000

In April 2015, Applicant hired Neal to review and revise two family trusts, paying \$25,000. Applicant gave Neal all of the paperwork she had regarding the trusts. According to Applicant, the scope of Neal's work was to put the trust in order. Before Neal performed any work, Applicant read in the newspaper that Neal had a criminal charges pending against him. Applicant made several unsuccessful attempts to contact Neal, with no return response. Neal did not return any of the paper work or the unearned fee. Applicant later learned that Neal was facing jail time and contacted the WSBA Client Protection Fund. Neal was found guilty, sentenced to prison, and ordered to pay Applicant restitution of \$25,000. The Board approved payment of \$25,000.

PARKER, JEFFREY, #22944 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 18-100 – Decision: \$108,894.45 Approved

In May 2015, Applicant hired Parker to represent her in a legal malpractice lawsuit, paying a \$5,000 retainer fee and agreeing to a 30 percent contingent fee. The two agreed that upon obtaining settlement, that Parker would refund the \$5,000 retainer fee. In November 2015, the court issued a sanction upon the plaintiff (Applicant), for \$5,800 for failing to file documents on time. Applicant alleges that Parker failed to file the documents and since Parker did not have \$5,800, he asked her to pay it, and said he would return the funds from his portion of the settlement. In March 2016, Parker obtained a \$200,000 settlement. On March 29, 2016, Parker disbursed a \$31,105.55 check for expert costs related to Applicant's case. On June 3, 2016, Parker transferred \$60,000 from his trust account to his law firm operating account, for the 30 percent contingent fee without notifying Applicant. After the \$60,000 disbursement, the balance of Parker's trust account was \$108,894.45, of which \$1,250 was owed to another party for costs related to Applicant's case, which Parker never paid. From January 2017 to January 2018, Parker converted \$119,693.27 leaving a balance of \$1.18 in his trust account. Applicant never received any of the proceeds of the settlement and never received the refund of the \$5,000 retainer fee or reimbursed the \$5,800 sanction fee. Parker earned the \$60,000 contingent fee, however he owed Applicant \$5,000. Parker agreed to pay Applicant \$108,894.45 in his Resignation in Lieu of Discipline. The Board approved payment of \$108,894.45.

PLONSKE, WILLIAM, #4758 – DECEASED

Applicant 18-039 – Decision: \$2,000 Approved

In November 2015, Applicant hired Plonske to represent him in filing a bankruptcy, paying \$2,000. Applicant later discovered that Plonske never filed the bankruptcy and that his office closed. Plonske passed away in January 2017. The Board approved payment of \$2,000.

PROHASKA, FRANK, #27589 - DISBARRED

Applicant 18-101 – Decision: \$10,700 Approved

In June 2013, Applicant hired Prohaska to represent him in a personal injury matter, on a contingent fee basis for 30%. Applicant received medical care, which Prohaska told him to continue because the insurance claim covered the medical costs. In January 2016, Prohaska obtained settlements totaling \$22,000. Prohaska wrote Applicant a personal check for his settlement proceeds for \$4,700 and told Applicant that he paid the medical bills. In October 2017, Applicant received a collection notice, because Prohaska never paid the medical bills. The Board approved payment of \$10,700, the balance of the proceeds of the settlement after Prohaska's 30% contingent fee of \$6,600 and Applicant's \$4,700 disbursement.

ROOD, KARLA, #42091 - RESIGNED IN LIEU DISCIPLINE

Applicant 19-002 – Decision: \$2,240 Approved

In May 2017, Applicants hired Rood to handle their deceased mother's probate, paying a flat fee of \$2,000. Applicants' mother passed away in April 2017; Rood was the attorney who drafted the will. Rood agreed to file the matter in court and deal with the creditors. Rood did not deposit the flat fee into her trust account. Applicants gave Rood their mother's original will, a list of her creditors, and the original death certificate. In June 2017, Rood requested a \$240 filing fee to open the probate case. Applicants paid Rood \$240, which she did not deposit into her trust account. Between June 15, 2017 and July 10, 2017, Applicants began to receive calls from their mother's creditors including her credit union and sent Rood several texts to inform her of the calls. In Rood's response, she stated that she had sent everything to the credit union the previous week and left a message stating that a probate would be open. Rood's statement was a lie. In late June 2017, Rood and Applicants had a conference call. Thereafter, Rood ceased all communications with Applicants. Applicants went to the courthouse to obtain a copy of their mother's will and learned that Rood had not filed anything concerning their mother's will or her estate. Applicants called, left messages, and sent emails to Rood for weeks, with no return response. Applicants hired new counsel who informed them that a probate action was unnecessary, given the estate's size. The lawyer completed the matter in approximately two weeks, for a flat fee of \$375. The Board approved payment of \$2,240.

SMITH, JILL, #41162 - SUSPENDED

Applicant 19-031 – Decision: \$5,050 Approved

In May 2013, Applicant hired Smith to represent him in a pending foreclosure matter on his rental property. Applicant told Smith that he was in bankruptcy and that relief from the stay was granted to a company A to proceed with its interest in the rental property. Between May 21, 2013 and July 28, 2013, Applicant became seriously ill, was hospitalized, and later recuperating at a skilled nursing facility. On June 5, 2013, Applicant gave Smith his debit card information and authorized her to use it to withdraw certain funds from his bank account. On June 6, 2013, Smith used Applicant's debit card information to transfer \$6,500 into her general account. At that time, there was no written fee agreement between Smith and Applicant. On June 7, 2013, the trustee's sale of the rental property was scheduled. Smith went to the place of the sale, met with the company A representative, left her business card, and left prior to any sale occurring, because she thought the sale was postponed. The trustee's sale of the property proceeded and company B became owner of the rental property. On June 19, 2013, Smith used Applicant's debit card information to transfer \$1,000 into her general account. On June 22, 2013, Smith met with Applicant to sign and initial a written fee agreement. The fee agreement provided that Applicant would be charged a flat fee of \$7,500, plus a contingent fee of 33 percent for representation of claims regarding real estate & deeds with company A. The fee agreement was dated May 30, 2013. On June 22, 2013, Smith used Applicant's debit card information to transfer \$275 into her general account. On June 13, 2013, the Trustee's Deed reflecting company B's ownership interest in rental property was recorded. On July 26, 2013, Smith wrote a letter to Applicant incorrectly stating that there was no Trustee's Deed recorded after the June 7, 2013 trustee's sale, and that she would be checking with the bankruptcy trustee to find out if she could proceed with an adversarial case. Smith never contacted the trustee. On September 3, 2013, Smith wrote another letter to Applicant again stating that no Trustee's Deed had been recorded. On August 30, 2013, Applicant paid Smith \$150 in advance for a consultation, which she accepted and deposited into her general account. On September 27, 2013, Applicant paid \$150 to Smith for another consultation, which she accepted and deposited into her general account. Smith had already been paid a flat fee that covered these same services. During March and April 2014, Applicant requested a copy of the fee agreement; Smith did not respond to these requests. In March 2014, Smith requested that Applicant pay an additional \$2,500 for legal services related to his claims against the company B. There was no basis to request additional fees as Applicant had already paid the flat fee. On March 7, 2014, Applicant paid Smith \$1,000 in additional advance fees and/or costs which she deposited into her general account. On April 29, 2014, Applicant requested that Smith account for all legal fees paid. On May 13, 2014, Smith provided Applicant with a copy of the fee agreement, an incomplete billing statement of some of the payments she received from Applicant with copies of the charges to his debt card. On June 6, 2014, Applicant terminated Smith and demanded a full refund. Smith did not timely respond to Applicant's demand for a refund. In Smith's stipulation, she agreed that she should have returned \$3,750 of the \$7,500 flat fee plus the additional \$1,300 Applicant paid to her after paying the flat fee. The Board approved payment of \$5,050.

STRATEMEYER, DOUGLAS, #2638 - SUSPENDED

Applicant 17-001 – Decision: \$1,500 Approved

In January 2015, Applicant hired Stratemeyer to represent him to vacate two criminal convictions, paying \$1,500. During the initial meeting, Stratemeyer told Applicant that his case should only take a few months to complete. In the months following, Stratemeyer often became difficult to contact. In July 2015, Applicant sent an email to Stratemeyer to request the status of his case. In Stratemeyer's response, he made excuses as to why he had not yet begun working on Applicant's case. In July 2015, Stratemeyer filed a motion to vacate Applicant's conviction, but he did not note the motion for hearing or tell Applicant that he had filed the motion. Applicant eventually became suspicious and contacted the court clerk, who told him that there had been no further activity beyond the filing of the motion on his case. In October 2015, Stratemeyer emailed Applicant to inform him that he would schedule a hearing and contact the prosecutor. In December 2015, Applicant contacted the prosecutor and learned that Stratemeyer never contracted them to schedule a hearing. Applicant wrote Stratemeyer to terminate his representation and request a refund of the unearned \$1,500. Applicant never received a refund. The Board approved payment of \$1,500.

Applicant 19-015 – Decision: \$1,300 Approved

In February 2014, Applicant hired Stratemeyer to represent him in vacating an adult conviction, paying \$1,300. In October 2014, it became difficult for Applicant to keep in contact with Stratemeyer. During the course of the representation, Stratemeyer discovered that Applicant had an outstanding legal financial obligation of \$7.43, which made Applicant ineligible for a certificate of discharge to vacate the adult conviction. Stratemeyer was able to get the \$7.43 waived, but discovered that the prosecutor wanted him to file a motion to vacate with the court. In August 2015, Stratemeyer drafted the motion and sent it to Applicant to review. Applicant reviewed and signed the motion. Stratemeyer never filed the motion with the court as expected. In September and October 2015, Applicant inquired about the status of the motion, Stratemeyer gave various false statements, but never disclosed that he never filed to motion. In November 2015, Stratemeyer told Applicant that he would get back to him about the status of the motion and informed Applicant of his plan to stop practicing law in 2016. Thereafter, Applicant never heard from Stratemeyer again. In Stratemeyer's Suspension Order, he was to pay restitution of \$1,300 to Applicant. The Board approved payment of \$1,300.

WALBERG, LORN, #32730 - DISBARRED

Applicant 17-020 – Decision: \$2,500 Approved

In July 14, 2015, the Applicants hired Walberg to assist them in an Internal Revenue Service (IRS) lien, paying \$2,500. Thereafter, it became difficult for the Applicants to contact Walberg. On August 9, 2015, the Applicants sent Walberg an email requesting the status of their matter. On September 1, 2015, Walberg sent a response stating that his assistant would be contacting the Applicants soon, but no one ever did. On October 6, 2015, the Applicants emailed Walberg stating that they had not heard from anyone in his office and requested a refund, if he had not performed any work on their matter. On October 14, 2015, Walberg sent a response stating that he would get back to them in a couple of days. On December 10, 2015, the Applicants sent Walberg an email requesting a refund and filed a WSBA grievance. On December 11, 2015, Walberg sent a response stating that he would contact his billing and accounting department to see if they were due a refund. The Applicants later discovered that Walberg never contacted the IRS or performed any work. The Applicants never received a refund of the unearned fee. The Board approved payment of \$2,500.

APPENDIX – Fund Balance Sheet

Statement of Financial Position

ASSETS	Audited As of September 30, 2019
Wells Fargo Checking Account	\$348,164
Accrued Interest Receivable	-
Wells Fargo Money Market	3,961,422
Wells Fargo Investments	-
Morgan Stanley Money Market	106,204
TOTAL ASSETS	\$4,415,791
LIABILITIES AND NET ASSETS	
Approved gifts to injured clients payable	291,399
Liability to WSBA general fund	308,249
Net Assets	3,816,143
TOTAL LIABILITIES AND NET ASSETS	\$4,415,791

Statement of Activities

REVENUE	Audited As of September 30, 2019
Donations	\$200
Restitution	8,347
Member Assessment	1,030,783
Interest	79,981
TOTAL REVENUE	\$1,119,310
EXPENSES	
Gifts to Injured Clients	\$379,818
CPF Board	1,154
Misc.	2,410
Indirect (overhead)	147,772
TOTAL EXPENSE	\$531,155
Net Income (Expense)	\$(588,155)

Statement of Changes in Net Assets

Balance at September 30, 2018	\$3,227,988
Net Income for the 12 months end September 30, 2018	(588,155)
Balance at September 30, 2019	\$3,816,143

TO: WSBA Board of Governors
FROM: Alec Stephens, Chair
Personnel Committee
DATE: January 9, 2020
RE: Personnel Committee Proposed Bylaw Amendment to set a 10-year term limit on an individual serving as WSBA Executive Director

Action (Second Read): Amend the WSBA Bylaws¹ to limit any individual serving as WSBA Executive Director to 10 years.

Attached our materials from the November 22-23, 2019 Board of Governor meeting, when this matter was reviewed for “First Read”. The proposed bylaw is now up for potential action. No changes have been made to the proposal.

¹ The WSBA Bylaws may be amended at any regular meeting of the Board of Governors or at any special meeting called for that purpose. All proposed bylaw amendments must be posted to the WSBA website and presented for “first reading” at least one meeting prior to the meeting at which the Board will vote on the amendment except as otherwise provided in the WSBA Bylaws. WSBA Bylaws Art. XVI (Amended May 17, 2018).

TO: WSBA Board of Governors
FROM: Alec Stephens, Chair
Personnel Committee
DATE: November 6, 2019
RE: Personnel Committee Proposed Bylaw Amendment to set a 10-year term limit on an individual serving as WSBA Executive Director

Action (First Read): Amend the WSBA Bylaws¹ to limit any individual serving as WSBA Executive Director to 10 years.

At the October 21, 2019 meeting of the Personnel Committee, an Amendment to the WSBA Bylaws was considered and approved to set a 10-year term limit on any individual who serves as WSBA Executive Director. The committee action considered a proposal to revise the Vacancy Section of the Article IV, Section B.7, under Vacancy. The committee chair believes this would work better under the preceding Section B.6 under Terms of Office.

This matter is on the agenda for “First Read” during the November 22-23 BOG meetings. Barring other actions, this matter will be on the agenda for “Action” during the January 16-17 BOG meetings.

¹ The WSBA Bylaws may be amended at any regular meeting of the Board of Governors or at any special meeting called for that purpose. All proposed bylaw amendments must be posted to the WSBA website and presented for “first reading” at least one meeting prior to the meeting at which the Board will vote on the amendment except as otherwise provided in the WSBA Bylaws. WSBA Bylaws Art. XVI (Amended May 17, 2018).

Proposed Bylaw Amendment –Governance (Art. IV)

This change affects Art. IV and identifies a ten-year term limit on the position of the Executive Director.

REDLINE PROPOSED BYLAW AMENDMENTS re: Governance

IV. GOVERNANCE

B. OFFICERS OF THE BAR

7. Vacancy

b. The Executive Director is appointed by the BOG, serves at the direction of the BOG, and may be dismissed at any time by the BOG without cause by a majority vote of the entire BOG. If dismissed by the BOG, the Executive Director may, within 14 days of receipt of a notice terminating employment, file with the Supreme Court and serve on the President, a written request for review of the dismissal. If the Supreme Court finds that the dismissal of the Executive Director is based on the Executive Director's refusal to accede to a BOG directive to disregard or violate a Court order or rule, the Court may veto the dismissal and the Executive Director will be retained. No individual shall serve as Executive Director for more than ten years.

Proposed Substitute by the Personnel Committee Chair:

Place the proposed By-Law Amendment under the By-Laws Section regarding terms of office, Article IV. Section B. 6, Terms of Office as follows:

- 6.c. The term of office of each officer position is one year; however, the Executive Director serves at the direction of the BOG and has an annual performance review. No individual shall serve as Executive Director for more than ten years.

MEMORANDUM

To: WSBA President and Board of Governors
From: Jean McElroy, Chief Regulatory Counsel
Date: December 23, 2019
Subject: Suggested Technical Amendment to APR 8(b)

ACTION: Approve the suggested technical amendment to APR 8(b) and direct that it be submitted to the Washington Supreme Court for consideration.

The purpose of the suggested technical amendment to APR 8(b) is to correctly identify the legal offices and services that assist military personnel. Recently, it was brought to the Bar's attention that the legal service offices identified in the current APR 8(b) no longer exist due to a realignment of the military services. In addition, the Bar learned that there are also military lawyers who serve as counsel for military personnel who are victims in certain situations. The suggested technical amendment correctly identifies the legal service offices and includes the victims' counsel services. There are no substantive changes to the rule.

Prior to submitting the suggested amendment to the WSBA Board of Governors, the Bar had the suggested technical amendment reviewed by the Chair, Chair-Elect, and Immediate Past Chair of the Legal Assistance to Military Personnel (LAMP) section. They agreed with the suggested amendments.

ATTACHMENTS:

1. Suggested technical amendment to APR 8(b) (redline version)
2. Suggested technical amendment to APR 8(b) (clean version)

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 8. NON-MEMBER LAWYER LICENSES TO PRACTICE LAW

(a) *No changes.*

(b) **Exception for Particular Action or Proceeding.** A lawyer member in good standing of, and permitted to practice law in, the bar of any other state or territory of the United States or of the District of Columbia, or a lawyer who is providing legal services for no fee through a qualified legal services provider pursuant to rule 8(f), may appear as a lawyer in any action or proceeding only

(i) with the permission of the court or tribunal in which the action or proceeding is pending, and

(ii) in association with an active lawyer member of the Bar, who shall be the lawyer of record therein, responsible for the conduct thereof, and present at proceedings unless excused by the court or tribunal. The requirement in (ii) is waived for a lawyer who is a full-time active duty military officer serving in the office of a Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a Region Legal Service Office or a Defense Service Office, or as Special Victims' Counsel or Victims' Legal Counsel for any branch of the United States Armed Forces, located in the State of Washington.

(1) *No changes.*

(2) *No changes.*

(3) Payment of the fee and assessment shall only be necessary upon a lawyer's first motion to any court or tribunal in the same case. The associated Washington lawyer shall be jointly responsible for payment of the fee and assessment. The fee and assessment shall be waived for:

(A) a lawyer providing legal services for no fee through a qualified legal services provider pursuant to rule 8(f),

(B) a lawyer rendering service for no fee in either a bar association or governmentally sponsored legal services organization or in a public defender's office or similar program providing legal services to indigents and only in that capacity, or

(C) a lawyer who is a full-time active duty military officer serving in the office of a Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a Region Legal Service Office or a Defense Service Office, or as Special Victims' Counsel or Victims' Legal Counsel for any branch of the United States Armed Forces, located in the State of Washington, and who is not receiving any compensation from clients in addition to the military pay to which they are already entitled.

(4) *No changes.*

(5) *No changes.*

(c) – (g) *No changes.*

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 8. NON-MEMBER LAWYER LICENSES TO PRACTICE LAW

(a) *No changes.*

(b) **Exception for Particular Action or Proceeding.** A lawyer member in good standing of, and permitted to practice law in, the bar of any other state or territory of the United States or of the District of Columbia, or a lawyer who is providing legal services for no fee through a qualified legal services provider pursuant to rule 8(f), may appear as a lawyer in any action or proceeding only

(i) with the permission of the court or tribunal in which the action or proceeding is pending, and

(ii) in association with an active lawyer member of the Bar, who shall be the lawyer of record therein, responsible for the conduct thereof, and present at proceedings unless excused by the court or tribunal. The requirement in (ii) is waived for a lawyer who is a full-time active duty military officer serving in the office of a Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a ~~Naval Legal Service Office or a Trial Service Office~~ Region Legal Service Office or a Defense Service Office, or as Special Victims' Counsel or Victims' Legal Counsel for any branch of the United States Armed Forces, located in the State of Washington.

(1) *No changes.*

(2) *No changes.*

(3) Payment of the fee and assessment shall only be necessary upon a lawyer's first motion to any court or tribunal in the same case. The associated Washington lawyer shall be jointly

responsible for payment of the fee and assessment. The fee and assessment shall be waived for:

(A) a lawyer providing legal services for no fee through a qualified legal services provider pursuant to rule 8(f),

(B) a lawyer rendering service for no fee in either a bar association or governmentally sponsored legal services organization or in a public defender's office or similar program providing legal services to indigents and only in that capacity, or

(C) a lawyer who is a full-time active duty military officer serving in the office of a Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a ~~Naval Legal Service Office or a Trial Service Office~~ Region Legal Service Office or a Defense Service Office, or as Special Victims' Counsel or Victims' Legal Counsel for any branch of the United States Armed Forces, located in the State of Washington, and who is not receiving any compensation from clients in addition to the military pay to which they are already entitled.

(4) *No changes.*

(5) *No changes.*

(c) – (g) *No changes.*

WASHINGTON STATE BAR ASSOCIATION

MEMO

TO: WSBA Board of Governors
FROM: Sanjay Walvekar, WSBA Outreach and Legislative Affairs Manager
DATE: January 5, 2020
RE: 2020 Legislative Session Report

The following information is provided for the Board's information regarding the 2020 legislative session.

OVERVIEW: The 2020 legislative session begins Monday, January 13, and is scheduled to adjourn on Friday, March 13. Legislators will consider a variety of issues this session. However, the focus of the 60-day "short" session is to amend the 2019-21 operating, capital, and transportation budgets, all of which were adopted in 2019.

The **2020 WSBA Legislative Agenda** is the main priority for the WSBA Office of Legislative Affairs in terms of legislative strategy. The agenda includes:

- **Supporting Bar-request legislative proposals initiated by WSBA Sections that are approved by the Board:** a legislative proposal from the Corporate Act Revision Committee within the WSBA Business Law Section to modernize the business corporations act to make it more consistent with the 2016 Model Act, [SB 6037](#) (Sponsors: Pedersen, Wellman, Rivers, Keiser, Dhingra, Kuderer, Cleveland, Saldaña, Randall, Darneille, Rolfes, Das, Frockt, Carlyle, Wilson, C.).
- **Supporting non-Bar request legislative proposals approved by the Board under GR 12:** proposals that seek to create and promote access to justice for all Washington residents; enhance statewide civics education; provide funding for the state's court system; and provide funding for civil legal aid services through general-fund state dollars.
- **Monitoring and taking appropriate action on legislative proposals:** proposals that would increase existing court user fees; alter court rules and/or the structure of the state's judiciary branch; and other items of significance to the practice of law and administration of justice.

Non-WSBA request bills referred to relevant sections that are being monitored include:

- [SB 6028](#) (Pedersen, Padden, Dhingra, Holy): Adopting the uniform electronic transactions act and aligning statutory provisions relating to signatures, declarations, and documents (Solo & Small Practice: support).

- [HB 2200](#) (Klippert): Creating the position of military spouse liaison (Legal Assistance to Military Personnel: support).
- [SB 6044](#) (Wilson, L., Muzzall, Zeiger, Rivers, Fortunato, Schoesler, Short, Honeyford): Concerning responsibilities of the three branches of government for administrative rules and procedure (Administrative Law: monitoring with concerns).

Other issues being monitored this session include legal financial obligations, efforts to repeal Washington's death penalty statute, and legislation around firearms.

The draft 2020 session cutoff calendar includes important dates for legislative action:

- January 13: session convenes
- February 8: policy committee cutoff (house of origin)
- February 12: fiscal committee cutoff (house of origin)
- February 20: house of origin cutoff
- February 29: policy committee cutoff (opposite house)
- March 3: fiscal committee cutoff (opposite house)
- March 7: oppose house cutoff
- March 13: session concludes (Sine Die)

**WASHINGTON STATE
BAR ASSOCIATION**

TO: WSBA Board of Governors
FROM: Kyle Sciuchetti - Chair, Board of Governors Legislative Committee/Governor District 3
RE: WSBA Legislative Review Committee Policies & Procedures
DATE: January 9, 2020

Action: Adopt WSBA Legislative Review Committee Policies & Procedures.

Over the course of the past three years, the WSBA Legislative Review Committee and the WSBA Board of Governors Legislative Committee have worked hard to find ways to cooperate and complement the functions of both committees in order to better serve the WSBA, its membership and the public. This includes proper vetting of proposed legislation by a wide variety of practitioners from around the state to ensure that appropriate stakeholders and interested sections, committees and communities have a say in legislation sponsored or supported by the WSBA.

To further this goal, the WSBA Board of Governors Legislative Committee and the WSBA Legislative Review Committee believe that the attached policies and procedures will advance the ability of both committees to consider proposed legislation and ensure appropriate deliberation is given to potential changes in the law by members of the WSBA that would be most affected by its passage. We consider this to be a first step toward making necessary improvements and expect further dialogue and recommendations in the future that will lead to improved functionality and responsiveness of both committees.

I recommend approval of the attached WSBA Legislative Review Committee Policies & Procedures.

WSBA Legislative Review Committee Policies & Procedures

Adopted by the WSBA Board of Governors on January ____, 2020

Format: The WSBA Legislative Review Committee (Committee) is a standing committee authorized for up to four in-person meetings each year (additional meetings may be approved by the President or the Executive Director).

Responsibilities: The Committee reviews all Bar request bills, answers questions, and provides support upon request of the BOG, the BLC, or the Outreach and Legislative Affairs Manager. Depending on the makeup of the Committee, it may also be able to provide technical support to sections in drafting of bills where appropriate.

Structure: The Committee consists of all qualified applicants, not to exceed 35 members. The Committee's chair is nominated each year by the WSBA President-elect and appointed by the BOG per standard WSBA committee procedures.

Appointment of members: All members are appointed or reappointed to a one-year term by the BOG each year. Terms begin July 1 and end June 30. Appointments are made per standard WSBA committee appointment procedures, and following WSBA's diversity guidelines. Attendance will be taken into account in reappointment decisions, per below.

Duties of Members: Members are expected to attend the Committee's mandatory annual training as well as all meetings for which they are available. Failure to attend the training or meetings will be considered grounds for non-reappointment. In addition, members are expected read the materials prior to each meeting and engage with presenters.

Timelines: Entities proposing Bar request legislation must use best efforts to meet the following deadlines:

- Notify the Outreach and Legislative Affairs Manager by June 1.
- Provide a draft of content and a coversheet to the Outreach and Legislative Affairs Manager by July 1.
- Receive a Code Reviser draft for stakeholder work by August 1 (in collaboration with the Outreach and Legislative Affairs Manager).
- Finalize the draft for the Committee by September 1.
- Receive approval from the Committee by the end of October.
- Receive approval by the BOG at the November BOG meeting.
- The Chair may accept proposals outside the deadlines, provided there is sufficient time to properly vet the bill.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: Kyle Sciuchetti, WSBA President-elect

RE: Chair of Client Protection Board

DATE: December 30, 2019

Action: Appoint Carrie Umland as the 2019-20 Chair of the Client Protection Board.

In July of 2019 the Board appointed Julian Bray as the 2019-2020 Chair of the Client Protection Board. He has since resigned from the position. I nominate Carrie Umland, who has been serving as Acting Chair, to replace him. Her resume is attached.

TO: WSBA Board of Governors
FROM: Rajeev Majumdar, President
DATE: January 8, 2020
RE: Proposed amendments to the WSBA Bylaws

ACTION (SECOND READ): Amend¹ Articles II, IV, VI, VII, and XI of the WSBA Bylaws
ACTION (FIRST READ): Amend Article III of the WSBA Bylaws

At the November 22-23, 2019 meeting of the Board of Governors, the Board considered proposed amendments to the WSBA Bylaws. Following those discussions, attached please find:

1. Revised Amendments to Articles IV(A), VI(A)(1)-(2), VI(C)(1), VI(C)(3), VI(D) – Board Terms, Composition, and Elections
2. Memo from President Majumdar (12/13/19) Re: Revised Amendment to Article XI(G)(3) – Section Elections
3. Memo from Ad Hoc Committee Chair Higginson Re: Alternative Policy Proposal in lieu of Bylaw Amendment to Article XI(G)(3) – Section Communications
4. Letter from WSBA Member Cameron Fleury Re: Proposed Bylaw Changes (1/9/2020)
5. Letter from WSBA Member Lindsay Noel Re: Proposed Bylaw Changes (1/10/2020)
6. Letter from ATJ RE: Proposed Bylaw Changes (1/10/2020)
7. Materials from the November 22-23, 2019 Board of Governors Meeting
 - a. Article II(E)(2) – Definition of Quorum **(NO CHANGE)**
 - b. Articles IV(A), VI(A)(1)-(2), VI(C)(1), VI(C)(3), VI(D) – Board Terms, Composition, and Elections **(REVISED SUPRA)**
 - c. Article VII(D)(2) – Executive Committee Membership **(NO CHANGE)**
 - d. Article XI – Section Communications and Elections **(REVISED IN PART, ALTERNATE POLICY PROPOSED IN PART SUPRA)**

Additionally, for your initial consideration, attached please find proposed amendments to Article III relating to judicial status. This amendment was not considered at the November meeting and is on for first read

6. Memo from Gov. Hunter, *et. al.*
 - a. Article III – Judicial Status Blackline
 - b. Article III – Judicial Status Clean

¹ The WSBA Bylaws may be amended at any regular meeting of the Board of Governors or at any special meeting called for that purpose. All proposed bylaw amendments must be posted to the WSBA website and presented for “first reading” at least one meeting prior to the meeting at which the Board will vote on the amendment except as otherwise provided in the WSBA Bylaws. WSBA Bylaws Art. XVI (Amended May 17, 2018).

WASHINGTON STATE
BAR ASSOCIATION

**Revised Amendments to
Articles IV(A), VI(A)(1)-(2),
VI(C)(1), VI(C)(3), VI(D) –
Board Terms, Composition,
and Elections**

Proposed Bylaw Amendments –Governor Elections (Art. IV & VI)

These amendments are intended to achieve three goals:

1. Policy/Governance Transparency.
2. Enhance Member Influence/Engagement in WSBA Governance.
3. Retain Governance Experience on the Board.

These changes do not affect the requirements for the existing At-Large positions but moves the election of the candidates to the general membership instead of the BOG. There is nothing about the makeup of the BOG that makes it more qualified than the membership at large to select the membership’s representatives, but does impose a duty on the BOG to ensure the candidates do meet such criteria. These changes also reverse changes made in a rushed manner and made contrary to the finding of the governance study which recommended shrinking the size of the BOG. This does not preclude the issue of composition or limit future discussion with the court, but rather resets the discussion to the appropriate point before these changes to composition were rushed through.

REDLINE PROPOSED BYLAW AMENDMENTS re: Governor Elections

IV. GOVERNANCE

A. BOARD OF GOVERNORS

...

1. Composition of the Board of Governors The BOG will consist of (a) the President; (b) one Governor elected from each Congressional District, except in the Seventh Congressional District where members will be elected from separate geographic regions designated as North and South, and identified by postal zip codes as established by the Bar in accordance with these Bylaws and BOG policy; and (c) ~~six-three~~ Governors elected at-large pursuant to these Bylaws.

VI. ELECTIONS

A. ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS

1. ~~1-~~Governors from Congressional Districts: Any Active member of the Bar, ~~except a person who has previously served as a Governor for more than 18-48 consecutive months,~~ may be nominated or apply for election as Governor from the Congressional District, or geographic regions within the Seventh Congressional District, in which such person resides.

Members that have served as Governors for more than 48 consecutive months at time of filing or application, are not eligible to be nominated or apply for election or appointment as Governor from the Congressional District, At-Large Governor

position, or geographic regions within the Seventh Congressional District, in which such person resides, for a period of 36 months after the conclusion of that term of service.

2. At Large Governors: There will be a total of ~~six~~ three At Large Governor positions.
 - a. Two ~~Lawyer Member~~ At Large ("Member At Large Governor") Positions: Any Active ~~lawyer~~ member of the Bar, ~~except a person who has previously served as a Governor for more than 18 48 months,~~ may be nominated or apply for election ~~as an At Large Governor, except as provided in this Article.~~
 - b. One New or Young Lawyer ("New or Young Lawyer At Large Governor") Position: Any Active lawyer member of the Bar who qualifies as a Young Lawyer, ~~except a person who has previously served as a Governor for more than 18 48 months,~~ may be nominated or apply for election as an At Large Governor

Members that have served as an At Large Governor for more than 48 consecutive months at time of filing or application, are not eligible to be nominated or apply for election or appointment as Governor from the Congressional District, At-Large Governor position or geographic regions within the Seventh Congressional District, or in which such person resides, for a period of 36 months after the conclusion of that term of service.

~~, except as provided in this Article.~~

~~c. One Limited License Legal Technician (LLLT) or Limited Practice Officer (LPO) Position: Any Active LLLT or LPO member licensed in Washington State, except a person who has previously served as a Governor for more than 18 months, may be nominated or apply for election as an At Large Governor, except as provided in this Article.~~

~~d. Two Community Representatives: Any resident of Washington State, except a person who has previously served as a Governor for more than 18 months or who is licensed or has previously been licensed to practice law in any state, may be nominated or apply for election as an At Large Governor, except as provided in this Article.~~

3. Filing of nominations and applications must be in accordance with this Article.

...

C. ELECTION OF GOVERNORS

1. Election of one Governor from each Congressional District and for the at-large positions will be held every three years as follows:
 - a. Third, Sixth, Eighth Congressional Districts and the North region of the Seventh Congressional District and ~~two~~ one At Large Member Governors ~~(one lawyer and one community representative)~~ – 2014 and every three years thereafter.
 - b. First, Fourth, Fifth Congressional Districts and the South region of the Seventh Congressional District and ~~two~~ one At Large Young Lawyer Governors ~~(one from nominations made by the Young Lawyers Committee and one LLLT/LPO)~~ – 2015 and every three years thereafter.

c. Second, Ninth and Tenth Congressional Districts and ~~two one~~ At Large ~~Member~~ ~~Governors (one lawyer and one community representative)~~ – 2013 and every three years thereafter.

...

3. Election of At-Large Governors

~~At large Governors are elected by the BOG as set forth below. At-Large Governors shall be elected by the Members in the same manner as Governors from Congressional Districts, except that all Active members wherever they reside shall be eligible to cast a vote in each At-Large election. Candidates must meet the requirements for office of the specific At-large position they seek as outlined in SVI.A.2. and be put forward onto the ballot by the Board of Governors as follows:~~

~~a. For each of the two Member At Large positions Governors; the Board of Governors shall select and place no more than three candidates on the ballot from nominations made by the Diversity Committee. After notice of the position has been adequately provided to all members, tThe Diversity Committee shall forward least three candidates who have the experience and knowledge of the needs of those members whose membership is or may be historically underrepresented 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. Underrepresentation and diversity may be based upon, 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. The BOG shall then place all candidates forwarded by the Diversity Committee on the ballot to be elected by all eligible voting members. If the Diversity Committee forwards less than three candidates the BOG may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the Diversity Committee on the ballot to be elected by all eligible voting members.~~

~~b. New For the Youngor Young Lawyer At Large position Governor; The Washington Young Lawyers Committee shall forward at least three candidates to the BOG who qualify as New or Young Lawyers as defined by Article XII(B) of these Bylaws as of December 31 in the year of the election. The BOG shall then place all candidates forwarded by the Washington Young Lawyers Committee on the ballot to be elected by a vote of all New and Young Lawyer Members as defined in section XII(B) of these bylaws. If the Washington Young Lawyers Committee forwards less than three candidates the BOG may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the Washington Young Lawyers Committee on the ballot to be elected by all eligible voting members.~~
~~the Board of Governors shall select and place no more than three candidates on the ballot from nominations made by the Young Lawyers Committee. The Young Lawyers Committee shall forward at least three candidates who will be~~

Young Lawyers as defined in Article XII of these Bylaws at the time of the election.

...

D. ELECTIONS BY BOARD OF GOVERNORS

~~1. At Large Governors~~

~~The BOG will elect four additional Governors from the Active membership and two additional Governors from the public. The election of At Large Governors will take place during a BOG meeting not later than the 38th week of each fiscal year and will be by secret written ballot.~~

~~**a.** 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. Underrepresentation 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.~~

~~**b.** The BOG will elect one At Large Governor from nominations made by the Young Lawyers Committee. The Young Lawyers Committee will nominate two or more candidates who will be Young Lawyers as defined in Article XII of these Bylaws at the time of the election.~~

~~**c.** The BOG will elect one At Large Governor who is a LLLT or LPO from nominations made by the Nominations Committee.~~

~~**d.** The BOG will elect two At Large Governors who are members of the general public from nominations made by the Nominations Committee~~

... **[THE REMAINDER OF SECTION D UNCHANGED EXCEPT FOR RENUMBERING]**

WASHINGTON STATE
B A R A S S O C I A T I O N

**Memo from President
Majumdar (12/13/19)
Re: Revised Amendment
to Article XI(G)(3) –
Section Elections**

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar
DATE: December 13, 2019
RE: Suggested Revision to Proposed Amendment on Section Elections

ACTION: Approve Amendments to Proposes Bylaws Art. XI(G)

Background

At the November BOG Meeting proposed amendments to the Bylaws were on for first read including a proposal to change the timing parameters for section elections. These amendments were intended to increase flexibility in the timing of elections consistent with concerns about pairing elections with mid-year section meetings.

After receiving helpful staff feedback, I am proposing a slight revision, which will still allow the increased flexibility for mid-year meetings, while preserving staff efficiencies and focus. In particular, it requires that elections only start during these times, so as not to create undo pressure to force mid-year meeting backwards. Also, it reinstates the earliest election time, which will help focus on elections for a specific time of the year, rather than trickling in over the course of half of the year.

Proposed Revisions to Proposed changes

G. NOMINATIONS AND ELECTIONS

3. Timing. Nominations and elections for open section executive committee positions will ~~start be held between March 1st and no later than~~ June 30th of each year.

In Service,



Rajeev D. Majumdar

**WASHINGTON STATE
BAR ASSOCIATION**

**Memo from Ad Hoc Committee
Chair Higginson Re: Alternative
Policy Proposal in lieu of Bylaw
Amendment to Article XI(G)(3) –
Section Communications**

**WASHINGTON STATE
BAR ASSOCIATION**

Board of Governors

Carla J. Higginson, Governor District 2

MEMO

TO: Rajeev Majumdar, President, WSBA

FROM: Carla J. Higginson, Chair, ad hoc committee on sections legislation bylaw

DATE: January 8, 2020

RE: Proposed policy on Sections and the legislative process



You had created an ad hoc committee to consider a proposed bylaw change on Sections and the legislative process. The committee, as reported by myself at our special Board meeting last month, determined that no bylaw change was needed as the bylaw is written generally. However, the consensus of the committee was that a policy should be developed to clarify how Sections proceed with regard to developing legislation to be introduced, and responding to requests for information from the legislature or taking a position on a bill that is before the legislature. You directed me to develop a policy in that regard for consideration by the Board at our January meeting, and it is attached.

PROPOSED POLICY FOR SECTIONS PROPOSING OR RESPONDING TO LEGISLATION

January 8, 2020 draft

Sections are the experts in their fields and attorneys expect that their sections will monitor legislation, take positions when appropriate, and will also recommend fixes to previously passed legislation. The WSBA also needs to know about Section legislative activity so that the WSBA lobbyist can help avoid divergent positions and unnecessary expenditure of political capital by the WSBA and the Sections. Training should be provided to each Section's executive committee on how to implement and handle these policies, to be given every fall. There are two separate tracks addressed by this policy.

1. If a Section wants to originate legislation:

-- The Section will conduct a GR12 analysis in conjunction with WSBA General Counsel as necessary;

--The Section will Work through the legislative review committee and the WSBA lobbyist to ready the proposal to submit to the Board;

-- The Board will decide if the proposed bill will go to legislature as a WSBA-sponsored bill, or does not go forward;

--If the bill is going forward, the Section will work with the WSBA lobbyist to find a bill sponsor to introduce the legislation as necessary;

-- The Section and the WSBA lobbyist will continue to work together to promote the bill. The WSBA lobbyist will report to the legislative committee the progress of the bill and any testimony that has been presented by the Section.

2. If a Section is asked to or wishes to comment on pending legislation:

-- The Section will conduct a GR 12 analysis in conjunction with WSBA General Counsel as necessary;

-- The Section will notify the WSBA lobbyist and the chair of legislative committee that the Section supports, opposes (and why, and is it fixable), is taking no position, or is taking no position but would like to work with legislator, and whether the section wishes to testify regarding the bill. The Section can do nothing more until the WSBA lobbyist gives permission to testify or to move forward with the position being taken by the Section. The WSBA Lobbyist will bring it to the legislative committee for direction on how to proceed if there is time. However, if there is not time to obtain such approval, the WSBA lobbyist will make the decision, erring on the side of approving the request to testify or to move forward with the Section's position, unless there is a good and articulable reason to deny the request, which shall be explained to the Section. The WSBA lobbyist will notify the legislative committee as soon as possible thereafter.

-- The Sections, WSBA lobbyist and legislative committee will each develop processes for a quick turnaround on Section requests.

WASHINGTON STATE
B A R A S S O C I A T I O N

**Letters from WSBA
Members regarding
Bylaw Changes**

From: [Cameron J. Fleury](#)
To: [Shelly Bynum](#)
Subject: BOG - Proposed By-Laws changes
Date: Thursday, January 9, 2020 11:50:36 AM
Attachments: [image001.png](#)

Greetings,

I have been a licensed Washington State Attorney since 1993 and I am writing a quick email to you to asking you to distribute this email to the BOG. This email provides my personal input regarding some of the proposed By-Laws changes on the BOG agenda for next meeting.

First, regarding the number of BOG Seats, I strongly support not expanding the number of Governors from that provided for before the current (but suspended) additional seats were approved by the former ED. Regarding the "At Large" BOG positions, I strongly support NOT having non-lawyer BOG positions. All three at large positions should be filled by lawyers, with one being reserved for a "young lawyer" and two reserved for "diversity based" representative attorney Governors. The two "at large" diversity members should be elected by the Members and the "young lawyer" member should be elected by the "young lawyers".

Second, regarding the Executive Director, I support I strongly support the proposal to limit the Executive Director's term to a 10-year term. A second non-consecutive term should be possible.

Third, I support allowing Governors to serve two terms, of three years, over a lifetime instead of just one. I also support having those terms be non-consecutive terms.

Thank you for your consideration of my input on these issues



Cameron Fleury | Partner

P: 253.592.6350 | F: 253.597.7378

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From: [Lindsay J. Noel](#)
To: [Shelly Bynum](#)
Subject: BOG Proposed Bylaw changes
Date: Thursday, January 9, 2020 5:04:48 PM
Attachments: [image001.png](#)

Greetings,

I have been a licensed Washington State Attorney since 2010 and I am writing a quick email to you to asking you to distribute this email to the BOG. This email provides my personal input regarding some of the proposed By-Laws changes on the BOG agenda for next meeting.

First, regarding the number of BOG Seats, I strongly support not expanding the number of Governors from that provided for before the current (but suspended) additional seats were approved by the former ED. Regarding the "At Large" BOG positions, I strongly support NOT having non-lawyer BOG positions. All three at large positions should be filled by lawyers, with one being reserved for a "young lawyer" and two reserved for "diversity based" representative attorney Governors. The two "at large" diversity members should be elected by the Members and the "young lawyer" member should be elected by the "young lawyers".

Second, regarding the Executive Director, I support the proposal to limit the Executive Director's term to a 10-year term. A second non-consecutive term should be possible.

Third, I support allowing Governors to serve two terms, of three years, over a lifetime instead of just one. I also support having those terms be non-consecutive terms.

Thank you for your consideration of my input on these issues.



Lindsay Noel | Senior Attorney

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January 10, 2020

WSBA Board of Governors
1325 4th Avenue, Suite 600
Seattle, WA 98101

Dear Board of Governors:

The Access to Justice Board (ATJ Board) is concerned about one of the proposed changes to the Board of Governors (BOG) Bylaws. Specifically, the ATJ Board believes that the proposed changes to Article IV and VI will not enhance access to justice and will not serve our members or the community we serve.

The ATJ Board opposes changes to Article IV and VI to the extent the changes undo the recommendations made by the Governance Task Force in 2015. As you may recall the Governance Task Force issued recommendations that were voted on in 2015. Among those recommendations and the BOG and ATJ Board responses were as follows:

Task Force Recommendation: Two public, non-attorney members and one LPO / LLLT member should be added to the Board of Governors. These three members should be appointed by the Supreme Court.

BOG Response to the Recommendation: Recognizing the WSBA's responsibility to protect the public and further cognizant of best practices followed by other bar associations, the BOG agrees with the Task Force recommendation that three public members should be chosen for service on the BOG. They should be chosen from a group of nominees from the general public and limited license professionals. The potential members should be vetted and nominated by the existing BOG Nomination Review Committee with input from the limited license professionals. Nominees would then be reviewed and approved by the BOG for submission to the Supreme Court for appointment.



ATJ Board Response: The ATJ Board agrees with the BOG response and modification of the Task Force recommendation.¹

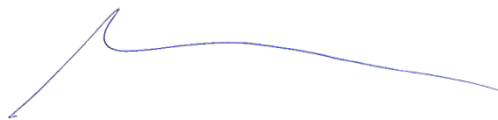
As noted, the task force and the BOG recognized that the WSBA has a responsibility to protect the public and that inclusion of public members on other bar association governing bodies was, and we believe still is, considered a best practice. Generally speaking, inclusion of members of the public adds voices to the conversation that may not be heard – that is, what do the consumers of legal services think about policies and practices of the bar.

In 2015, the task force took a close look at this issue and engaged stakeholders, making a recommendation that was accepted by the Board of Governors. It seems that the reversal on this recommendation is driven primarily by change in the membership on the BOG. If such a reversal is to occur, the BOG should explain its reasons, and after doing so seek input from WSBA members, the Alliance, and others who have a stake in this decision. We believe the process should go beyond the usual publication of the agenda and opportunity to comment at the meeting because it is an important change that has the potential for broad impact.

As member of the Alliance, the BOG has committed to the state plan for Access to Justice. Key components of the state plan (race equity, holistic client-centered services, access for underserved or underrepresented communities) envision working with members of those communities to address issues. The exclusion of community members from serving on the BOG is not consistent with the state plan or its goals.

The ATJ Board urges the BOG to retain the changes and recommendations with regard to public membership in its bylaws and to implement appointment of public members as soon as possible. Thank you for considering our position, we look forward to a positive response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Salvador A. Mungia', with a long horizontal stroke extending to the right.

Salvador A. Mungia
Access to Justice Board Chair

cc: Terra Nevitt, Interim Executive Director

¹ See attached August 20, 2015 letter from then-ATJ Board Chair Ishbel Dickens to then- WSBA President Anthony Gipe



MEMBERS

Hon. Lisa L. Atkinson

Brean L. Beggs

Hon. Anita Crawford-Willis

Ishbel Dickens, Chair

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THE ALLIANCE
for Equal Justice

SUPPORTER

August 20, 2015

Anthony Gipe, President
Washington State Bar Association Board of Governors
1325 4th Avenue, Suite 600
Seattle, WA 98101

RE: Governance Task Force Recommendations

Dear President Gipe,

Thank you so much for the opportunity to comment on the WSBA Board of Governors (BOG) final report regarding the Governance Task Force Recommendations, which we understand is scheduled for adoption at the September 17-18 board meeting in Seattle. As you know, the Access to Justice Board has followed the Task Force's work and the BOG's review carefully and has appreciated the thoughtful process.

We circulated the BOG's draft report to our stakeholders in the Alliance for Equal Justice on July 17, but did not receive any feedback. Our comments are provided below and should reflect what you heard from Geoff Revelle, our liaison to the BOG, at your July board meeting. With regard to the BOG's conclusions and next steps, we believe that the remaining process should be as short as reasonably possible, that the public and other stakeholders should have an opportunity to provide input and that the Court should be the final decision-maker on the process to be followed and the adoption of final outcomes.

Task Force Recommendation: Amendments to the WSBA Bylaws should be approved by the Supreme Court.

BOG Response to the Recommendation: Again recognizing the Supreme Court's ultimate authority over the WSBA, and mindful of recent United States Supreme Court precedent regarding direct supervision by the State, the BOG agrees that it would be prudent to have the Supreme Court approve, or at least review, proposed WSBA bylaw amendments before they become final. While proposed bylaw changes dealing with membership, licensing, and the budgeting process, likely would require careful review, many other minor or purely procedural matters would not. Nonetheless, the BOG agrees that all bylaws changes should be sent to the Court for review.

ATJ Board Response: The ATJ Board agrees with the Task Force Recommendation and the BOG response.

Task Force Recommendation: The Supreme Court should re-evaluate the placement of certain Boards under the WSBA as well as their funding. For those that remain under the WSBA, the Court should help to ensure adequate funding.

BOG Response to the Recommendation: The BOG disagrees with the portion of this recommendation that would ask the Court to reevaluate the placement of its Boards “under the WSBA.” The Court’s Boards are staffed and administered by the WSBA, but they work “under” the Court’s authority. The BOG believes that each of the currently operating Court Boards (leaving aside the pending resolution of POLB issues) is cost effective and well worthwhile. The BOG further believes that the WSBA has an excellent relationship with each of those Boards and that, while “tensions” may at times arise, there is nothing that the WSBA, the Boards, and the Court cannot work out through continued mutual respect and close collaboration.

The BOG does agree, however, that the Court should consider whether it can help to ensure adequate funding for its Boards. By this, the BOG does not mean (as the Task Force seems to suggest) that the Court should carve-out its Boards from the same budget-setting processes that currently exist for all WSBA-related entities. Fairness to the WSBA members requires that when license fees are used to fund Court Boards, that funding should be subject to the same budgeting processes as all other WSBA-related entities. But if the Court could find additional resources for funding its Boards, WSBA members would certainly welcome any funding assistance. Nonetheless, the BOG reiterates that these Court Boards are cost effective and well worthwhile and that the WSBA has no objections to continuing to staff and administer the Court’s Boards.

ATJ Board Response: The ATJ Board agrees with the Task Force recommendation that the Supreme Court should help ensure that its Boards are adequately funded. The ATJ Board agrees with the portions of the BOG response that correct the Task Force’s characterization of these Boards as being “under the WSBA”. They work under the Court’s authority and the Court. The POLB issues have been resolved so the ATJ Board suggests that the language about resolution being pending should be deleted. The ATJ Board agrees that its current relationship with the WSBA should be maintained and that the relationship is generally excellent and the staffing and other support provided by the WSBA is outstanding subject to the caveat that it is underfunded as are most WSBA activities. This is a result of the continued hangover from the dues rollback referendum which in our view should not have been and should not now be allowed to stand. The Supreme Court Order and the MOU between the WSBA and the ATJ Board which was discussed extensively by all parties at the time of adoption should remain intact.

One thing that is missing from the Task Force report and the BOG response is that the six Boards involved are all very different in terms of subject matter, duties and authority. Some are regulatory with enforcement powers and duties for lawyers and/or non-lawyers. Some (like the ATJ and POLB Boards) have no enforcement authority or powers. The relationship between the Boards, WSBA and the Supreme Court should be and are customized for each Board. The POLB and MCLE Boards recently had significant changes made in their scope and relationship with the WSBA, the Supreme Court and the Boards' constituencies. The ATJ Board participated in and generally supports those changes. The ATJ board is governed by the court order and MOU as identified above. The differences in the Boards and their relationships to the Court and WSBA should be acknowledged and maintained.

The ATJ Board believes that WSBA members' views about funding the Boards should not be a significant factor in funding decisions for the Boards. WSBA members should not be able to defund the disciplinary and public duty obligations of the Court and the bar including the Supreme Court boards. That is what the referendum did. The ATJ Board believes that the Court should not allow that to occur again and the ability of the membership to defund essential activities that protect the public and the justice system should be eliminated. The Court can mandate funding levels through membership dues or other assessments of lawyers to carry out the public duty and disciplinary responsibilities of the legal profession owed to clients and the public at large or the court could have the WSBA do that without the threat of dues rollbacks by WSBA members. The only part of the funding that the membership should be able to dictate or eliminate are the trade organization functions of the WSBA. If a majority of the WSBA members do not want to subsidize Sections or lobbying they should be able to defund them. If the WSBA membership wants to defund the disciplinary system, mandatory CLE functions or the Boards, the Court should not allow that to occur nor should it be theoretically possible.

Task Force Recommendation: Clarify the duties of the Board and Governors in the WSBA Bylaws and other relevant materials.

BOG Response to the Recommendation: The BOG agrees that an amendment to the WSBA Bylaws and other relevant materials would be helpful to clarify the duties of the BOG. The BOG strongly believes, however, that it is a representative body. BOG members are chosen either by election of members in their respective congressional districts or by election of the BOG to fill at-large positions on the Board. Regardless of how they are chosen, BOG members represent all members of the WSBA and are obligated to make decisions that are judged to be in the best interest of the organization. In its governing role, the BOG is the voice of lawyers in this state and has an obligation when governing to listen to the members, communicate with the members, and speak on behalf of the members. At the same time, the BOG has an overarching responsibility to protect the public and the justice system in the State of Washington.

The BOG agrees that Governors, when acting in their official capacity, should deal with WSBA staff in accordance with the communications policies established by the Executive Director. This principle should be clearly dealt with by appropriate training of BOG members so that they are educated as to their role as Governors and the separate role of the Executive Director as the director of the day-to-day work of the organization.

ATJ Board Response: The ATJ Board agrees with the Task Force Recommendation and the more detailed comments in the Task Force report. The ATJ Board has no knowledge of or view on BOG/Executive Director/WSBA staff communications.

The ATJ Board believes that the Bylaws and other governing documents of the WSBA should make clear that the responsibility to protect the public and the justice system take precedence over its trade organization functions. Its primary activities should not be member driven but rather public duty driven as determined by the Court and the BOG through an infrastructure that supports those functions whether the WSBA membership agrees or not. This has been a historical conflict that should now be resolved in favor of serving the public. The ATJ Board believes that the trade organization functions of the WSBA should be secondary.

Task Force Recommendation: Change the name of the Board of Governors to the Board of Trustees and change the name of the Washington State Bar Association to “The State Bar of Washington.”

BOG Response to the Recommendation: The BOG is the governing body of the WSBA. In performing their responsibilities as Governors, they are responsible to meet common-law fiduciary duties of care, loyalty, and obedience. This role requires making decisions that are judged to be in the best interests of the organization as a whole, not just those who elected them. A name change from Governor to Trustee is not necessary to accomplish this goal and in fact may cause unnecessary confusion among members. The Board of Governors is the appropriate term for the body; the Board of Trustees is not an accurate term. Changes should be made to the bylaws and organizational documents as necessary to clarify this role.

Changing the name of the Washington State Bar Association is another matter. While the WSBA should continue to perform not just mandatory functions, but also to provide benefits and services to members and the public, calling itself an association is unnecessary. The prudent (and perhaps easiest) choice of a new name, given the WSBA’s regulatory functions and anti-trust and other legal issues, should be the Washington State Bar. This is consistent with other mandatory bars around the country.

ATJ Board Response: The ATJ Board has no view on the Task Force recommendation or the BOG response on the name change questions. The ATJ Board's view on the BOG response that goes beyond the name questions are expressed elsewhere in this response.

Task Force Recommendation: The WSBA President should be selected from the Board of Governors and continue to serve as a voting member of the Board.

BOG Response to the Recommendation: In choosing the President of the WSBA, the BOG feels it is vitally important to have candidates who offer experienced leadership and who are knowledgeable of the workings of the WSBA and the issues it is facing. It is also important to have people with fresh ideas and perspectives, from diverse backgrounds, who represent all geographic parts of the state and who are motivated to serve the organization. There have been several excellent Presidents who did not previously serve on the BOG. Limiting the pool of applicants to those currently serving on the BOG can fail to accomplish the above objectives and in fact would eliminate many excellent candidates who might otherwise be willing to serve. The BOG therefore disagrees with the Task Force recommendation and would continue with the current method of presidential selection as described in the current bylaws.

ATJ Board Response: The ATJ Board disagrees with the Task Force recommendation and agrees with the BOG response.

Task Force Recommendation: Two public, non-attorney members and one LPO / LLLT member should be added to the Board of Governors. These three members should be appointed by the Supreme Court.

BOG Response to the Recommendation: Recognizing the WSBA's responsibility to protect the public and further cognizant of best practices followed by other bar associations, the BOG agrees with the Task Force recommendation that three public members should be chosen for service on the BOG. They should be chosen from a group of nominees from the general public and limited license professionals. The potential members should be vetted and nominated by the existing BOG Nomination Review Committee with input from the limited license professionals. Nominees would then be reviewed and approved by the BOG for submission to the Supreme Court for appointment.

ATJ Board Response: The ATJ Board agrees with the BOG response and modification of the Task Force recommendation.

Task Force Recommendation: Establish an Executive Committee to address routine and non-strategic matters on behalf of the Board of Governors.

BOG Response to the Recommendation: The BOG recognizes the need for an Executive Committee to address non-strategic, non-policy matters that need timely attention between BOG meetings. It is unusual for an organization the size of the WSBA not to have such an Executive Committee. The Executive Committee should include the following members: the President, the President Elect, the Past President, the Treasurer, the Personnel Committee Chair, and the Executive Director. Pursuant to appropriate Bylaws, the Executive Committee shall have authority to do the following:

- To meet as necessary to develop the BOG Meeting Agenda, which meetings shall be properly announced and open to all BOG members.
- To exercise limited powers of the Board between regularly scheduled BOG meetings because it is generally impractical to convene a full meeting to respond to a time-sensitive decision or action. Provided, however, that the EC may not take any action to establish, change, or alter prior Board decisions or policies; may not take final action to amend bylaws; may not remove a board member from office; may not take any steps to hire or remove an Executive Director; and may not make any changes to the WSBA budget approved by the Board or alter the fiscal matrix.
- To serve as a sounding board for executive management on emerging issues, problems, and initiatives.
- To take such other actions that are not specifically prohibited above, are expedient and necessary, and are consistent with the prior policies and decisions of the Board.

The proposed Bylaw Amendment and Charter for creation of an Executive Committee is attached as Appendix C.

ATJ Board Response: The ATJ board agrees with the Task Force recommendation and the BOG response.

Task Force Recommendation: Repeal most provisions of the State Bar Act, with that statute then serving simply to create the WSBA as an agency “within the judicial branch” under the Supreme Court’s control.

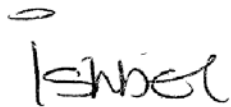
BOG Response to the Recommendation: As stated above, the Supreme Court has plenary authority concerning the state bar and the regulation of the practice of law. The BOG appreciates the Task Force recommendations, but believes that it is unnecessary to take action regarding the State Bar Act at this time.

ATJ Board Response: The ATJ Board agrees with the Task Force recommendations and disagrees with the BOG response for the reasons supporting the recommendation in the Task Force report. The ATJ Board understands the concerns of the BOG and perhaps the Court about undertaking a discussion with the Legislature about control over the practice of law at the present time. The timing may not be right because of current issues between

the Court and the Legislature. However, at some point, the ATJ Board believes that this issue should be addressed and resolved as recommended by the Task Force.

The Access to Justice Board has no view on the recommendations not addressed here. Thank you so much for your consideration of our feedback and your tremendous efforts to improve the governance of the Washington State Bar Association.

Sincerely,

A handwritten signature in black ink that reads "Ishbel". The signature is written in a cursive, slightly slanted style.

Ishbel Dickens
Access to Justice Board Chair

CC: Bill Hyslop, WSBA BOG Chair Elect
Robin Haynes, WSBA BOG Chair Elect Elect
Paula Littlewood, WSBA Executive Director
Vern Harkins, Governance Work Group Chair
Rima Alaily, Governance Task Force Chair

**WASHINGTON STATE
BAR ASSOCIATION**

**Materials from the
November 22-23, 2019
Board of Governors Meeting**

**Article II(E)(2) – Definition of
Quorum (NO CHANGE)**

TO: WSBA Board of Governors
FROM: Rajeev Majumdar
DATE: November 6, 2019
RE: Proposed amendments to the WSBA Bylaws

ACTION (FIRST READ): Amend¹ Articles II, IV, VI, VII, and XI of the WSBA Bylaws

Attached please find the following proposed amendments to the WSBA Bylaws:

1. Article II(E)(2) – Definition of Quorum
2. Articles IV(A), VI(A)(1)-(2), VI(C)(1), VI(C)(3), VI(D) – Board Terms, Composition, and Elections
3. Article VII(D)(2) – Executive Committee Membership
4. Article XI – Section Communications and Elections

Background

In light of the [Court's original request](#) and the [Court's recent order](#), you have on the agenda several proposed bylaw changes. These include both new items advanced by Personnel or Executive Committee, involving a terms limit for Executive Directors (*included in a separate submission*), membership of the Executive Committee, and the definition of quorum; as well as old items that have been in suspension, including a process to allow for Sections to comment to the Legislature, and the composition and election of at-large governor representation. The last item consolidates many proposed previous changes holistically taking into account member feedback in 2018 and the collected materials of the Additional Governor Workgroup, and also incorporates democratic elections and the ability for members to serve as governor more than once. The original proposals and their amendments are also included for reference.

Due to the time that has passed, and because we are re-examining things that were done over member objections and in a rushed manner, I have reset these all to 1st read, so that we don't fall into the same trap of not giving members time to look at the materials and provide input to you.

¹ The WSBA Bylaws may be amended at any regular meeting of the Board of Governors or at any special meeting called for that purpose. All proposed bylaw amendments must be posted to the WSBA website and presented for "first reading" at least one meeting prior to the meeting at which the Board will vote on the amendment except as otherwise provided in the WSBA Bylaws. WSBA Bylaws Art. XVI (Amended May 17, 2018).

Bylaw amendment regarding "Quorum"

Bylaws Section II.E.2 currently is as follows:

"Quorum" means the presence of a majority of the voting membership (i.e., more than half the voting members plus one). A quorum must be present when votes are taken.

Issue: Currently the definition of a Quorum (50% +1) results in a higher threshold if the total voting members are an odd number, versus a simple majority threshold if over half the total voting members is an even number. The following examples demonstrate the differing results if the total voting membership is an even number compared to an odd number.

Committee A has 7 members. 50% of 7 is 3.5. Since there are no ½ members, the 50% is rounded up to 4 and the plus one results in 5 people required for a quorum. Committee B has 6 members. 50% is 3 and the plus one quorum is 4. If we correct the definition, the quorum for a 7-member committee is 4 (more than half), and the quorum for a 6-member committee is also 4, but in both instances the rule works the same. It is over 50% of the voting members.

Proposed Amendment:

"Quorum" means the presence of a majority of the voting membership (i.e., more than half the voting members ~~plus one~~). A quorum must be present when votes are taken.

**WASHINGTON STATE
BAR ASSOCIATION**

**Materials from the
November 22-23, 2019
Board of Governors Meeting**

**Articles IV(A), VI(A)(1)-(2),
VI(C)(1), VI(C)(3), VI(D) –
Board Terms, Composition,
and Elections (REVISED
SUPRA)**

Proposed Bylaw Amendments –Governor Elections (Art. IV & VI)

These amendments are intended to achieve three goals:

1. Policy/Governance Transparency.
2. Enhance Member Influence/Engagement in WSBA Governance.
3. Retain Governance Experience on the Board.

These changes do not affect the requirements for the existing At-Large positions but moves the election of the candidates to the general membership instead of the BOG. There is nothing about the makeup of the BOG that makes it more qualified than the membership at large to select the membership's representatives, but does impose a duty on the BOG to ensure the candidates do meet such criteria. These changes also reverse changes made in a rushed manner and made contrary to the finding of the governance study which recommended shrinking the size of the BOG. This does not preclude the issue of composition or limit future discussion with the court, but rather resets the discussion to the appropriate point before these changes to composition were rushed through.

REDLINE PROPOSED BYLAW AMENDMENTS re: Governor Elections

IV. GOVERNANCE

A. BOARD OF GOVERNORS

...

1. Composition of the Board of Governors The BOG will consist of (a) the President; (b) one Governor elected from each Congressional District, except in the Seventh Congressional District where members will be elected from separate geographic regions designated as North and South, and identified by postal zip codes as established by the Bar in accordance with these Bylaws and BOG policy; and (c) ~~six~~ three Governors elected at-large pursuant to these Bylaws.

VI. ELECTIONS

A. ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS

1. Governors from Congressional Districts: Any Active member of the Bar, except a person who has previously served as a Governor for more than ~~18~~ 48 months, may be nominated or apply for election as Governor from the Congressional District, or geographic regions within the Seventh Congressional District, in which such person resides.
2. At Large Governors: There will be a total of ~~six~~ three At Large Governor positions.
 - a. Two ~~Lawyer Member~~ At Large Positions: Any Active ~~lawyer~~ member of the Bar, except a person who has previously served as a Governor for more than ~~18~~

48 months, may be nominated or apply for election as an At Large Governor, except as provided in this Article.

b. One Young Lawyer Position: Any Active lawyer member of the Bar who qualifies as a Young Lawyer, except a person who has previously served as a Governor for more than ~~18~~ 48 months, may be nominated or apply for election as an At Large Governor, except as provided in this Article.

~~c. One Limited License Legal Technician (LLLT) or Limited Practice Officer (LPO) Position: Any Active LLLT or LPO member licensed in Washington State, except a person who has previously served as a Governor for more than 18 months, may be nominated or apply for election as an At Large Governor, except as provided in this Article.~~

~~d. Two Community Representatives: Any resident of Washington State, except a person who has previously served as a Governor for more than 18 months or who is licensed or has previously been licensed to practice law in any state, may be nominated or apply for election as an At Large Governor, except as provided in this Article.~~

3. Filing of nominations and applications must be in accordance with this Article.

...

C. ELECTION OF GOVERNORS

1. Election of one Governor from each Congressional District and for the at-large positions will be held every three years as follows:

a. Third, Sixth, Eighth Congressional Districts and the North region of the Seventh Congressional District and ~~two~~ one At Large Member Governors ~~(one lawyer and one community representative)~~ – 2014 and every three years thereafter.

b. First, Fourth, Fifth Congressional Districts and the South region of the Seventh Congressional District and ~~two~~ one At Large Young Lawyer Governors ~~(one from nominations made by the Young Lawyers Committee and one LLLT/LPO)~~ – 2015 and every three years thereafter.

c. Second, Ninth and Tenth Congressional Districts and ~~two~~ one At Large Member Governors ~~(one lawyer and one community representative)~~ – 2013 and every three years thereafter.

...

3. Election of At-Large Governors

~~At-Large Governors are elected by the BOG as set forth below. At-Large Governors shall be elected in the same manner as Governors from Congressional Districts, except that all Active members wherever they reside shall be eligible to cast a vote in each At-Large election. Candidates must meet the requirements for office of the specific At-large position they seek as outlined in §VI.A.2 and be put forward onto the ballot by the Board of Governors as follows:~~

~~a. _____ For each of the two Member At Large positions, the Board of Governors shall select and place no more than three candidates on the ballot from nominations made by the Diversity Committee. The Diversity Committee shall forward at least three candidates who have the experience and knowledge of~~

the needs of those members whose membership is or may be historically underrepresented 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. Underrepresentation and diversity may be based upon, 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. The Board of Governors may place less than three candidates on the ballot if less than three candidates apply or meet the criteria.

b. For the Young Lawyer At Large position, the Board of Governors shall place three candidates on the ballot from nominations made by the Young Lawyers Committee. The Young Lawyers Committee will forward two or more candidates who will be Young Lawyers as defined in Article XII of these Bylaws at the time of the election. The Board of Governors may place less than three candidates on the ballot if less than three candidates have been forwarded by the Young Lawyers Committee.

...

D. ELECTIONS BY BOARD OF GOVERNORS

~~1. At-Large Governors~~

~~The BOG will elect four additional Governors from the Active membership and two additional Governors from the public. The election of At Large Governors will take place during a BOG meeting not later than the 38th week of each fiscal year and will be by secret written ballot.~~

~~a. 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 underrepresented 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. Underrepresentation 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.~~

~~b. The BOG will elect one At Large Governor from nominations made by the Young Lawyers Committee. The Young Lawyers Committee will nominate two or more candidates who will be Young Lawyers as defined in Article XII of these Bylaws at the time of the election.~~

~~c. The BOG will elect one At Large Governor who is a LLLT or LPO from nominations made by the Nominations Committee.~~

~~d. The BOG will elect two At Large Governors who are members of the general public from nominations made by the Nominations Committee~~

... [THE REMAINDER OF SECTION D UNCHANGED **EXCEPT FOR RENUMBERING**]

**WASHINGTON STATE
BAR ASSOCIATION**

**Materials from the
November 22-23, 2019
Board of Governors Meeting**

**Article VII(D)(2) – Executive
Committee Membership
(NO CHANGE)**

**Proposed Bylaw Amendments – Executive Committee
(Art. VII.D.2)**

This amendment is intended to achieve one goal:

1. Policy/Governance Transparency.

This change allows the Executive Committee delegate from a BOG class not otherwise represented to send an alternate; this ensures maximal participation and representation in Executive Committee decisions.

REDLINE PROPOSED BYLAW AMENDMENTS re: Executive Committee

VII.D.2

EXECUTIVE COMMITTEE OF THE BOG

1. The BOG recognizes the need for an Executive Committee to address emergent but non-policy making matters that need timely attention in between BOG meetings. The Executive Committee’s authority derives solely from the authority of the BOG, and is limited by the authority granted by the BOG. The BOG may establish a Charter specifically delineating the duties and functions of the Executive Committee.
2. The Executive Committee members shall include the President, the President- elect, the Immediate Past President, the Treasurer, the Chair of the BOG Personnel Committee, the Executive Director, and one member of each Governor class as elected by that class at or before the first Board meeting of the fiscal year unless that class is already represented. **For any particular meeting, a governor class representative may designate an alternate from their class who is authorized to attend as the class representative for that particular meeting.** Only the President, President-elect, and Governors may vote on the Executive Committee.

**WASHINGTON STATE
BAR ASSOCIATION**

**Materials from the
November 22-23, 2019
Board of Governors Meeting**

**Article XI – Section
Communications and
Elections (REVISED IN PART,
ALTERNATE POLICY
PROPOSED IN PART SUPRA)**

Proposed Bylaw Amendments – The Sections (Art. XI)

These amendments are intended to achieve three goals:

1. Policy/Governance Transparency.
2. Maintain Democratic Weight.
3. Realignment towards addressing member concerns.

There have been several years of change and uncertainty in direction given to both the WSBA staff and Section leadership on the ability of Sections to comment on and take positions on issues of interest to their members. Sections are intended to be subject matter experts within their areas of law, both for the benefit of their members and the public. Section leaders have expressed concern and frustration in regards to this change and their inability to do some of the basic functions sections were set up to do by gathering expertise.

These amendments are intended to clarify and protect certain advocacy rights for Sections, while protecting the WSBA's public identity as a whole, as well as to increase flexibility in the timing of elections consistent with concerns about pairing elections with mid-year section meetings.

REDLINE PROPOSED BYLAW AMENDMENTS

E. BYLAWS AND POLICIES

1. Sections are subject to all Bar Bylaws, policies, and procedures. Each section must have bylaws consistent with the Bar Bylaws. Amendments to section bylaws may be made by a majority vote of the voting executive committee members present at a section meeting. Section bylaws or amendments thereof will become effective when approved by the BOG. However, no Bar Bylaw, policy, or procedure will prevent a section from commenting or issuing a position on a public matter, so long as:
 - a. Such position has been approved by the Section's Executive Committee;
 - b. The Section has promulgated Bylaws providing for reasonable comment and feedback on the issue from its members;

c. The Section has carried out a GR 12 Analysis in line with a GR 12 Analysis Policy promulgated by the Board of Governors; and

d. The Section makes explicitly clear in all communications that its position is not that of the WSBA as a whole, but only that of the Section, and that the position is not endorsed by the WSBA as a whole.

G. NOMINATIONS AND ELECTIONS

3. Timing. Nominations and elections for open section executive committee ~~persons~~ positions will be held ~~between March and May~~ no later than June 30th of each year.

**WASHINGTON STATE
BAR ASSOCIATION**

- Memo from Gov. Hunter, et. al.**
- a. Article III – Judicial Status Blackline**
 - b. Article III – Judicial Status Clean**

TO: WSBA Board of Governors
FROM: Kim Hunter, Governor
Jean McElroy, Chief Regulatory Counsel
Kevin Plachy, Interim Director of Advancement
DATE: December 13, 2019
RE: Judicial Status Change Bylaw Amendments – First Reading and Discussion

ACTION/DISCUSSION: First Reading and discussion of proposed changes to WSBA Bylaws designed to eliminate barriers for Judicial members who are entering or leaving judicial office and must change to a new member status classification with WSBA.

BACKGROUND

This item is on the agenda for First Reading as required by the WSBA Bylaws for all proposed Bylaw amendments.

The WSBA Bylaws contain provisions that identify the types of WSBA membership status classifications. One of the membership status classifications is “Judicial”. The Bylaws describe how a member qualifies to become a Judicial member upon taking or while in judicial office, and also describe the steps Judicial members are required to take to change to a different membership status classification when they leave judicial office (such as through retirement from their judicial office) and no longer qualify to be a Judicial member.

Some of these provisions have been identified as barriers for members in achieving the necessary status changes to or from Judicial. These proposed amendments eliminate those barriers.

PROPOSED BYLAW AMENDMENTS

Change To Judicial:

For members seeking to change to Judicial membership, the *current* Bylaws state that an “Active” member may qualify to become a Judicial member. Not all members seeking to change to Judicial membership are Active members; because of this Bylaw provision, in order to change to Judicial, these members first have to change to Active and then change to Judicial.

The first proposed amendment would eliminate this requirement.

Change From Judicial To A Different Membership Status Classification:

For members seeking to change from Judicial membership to another membership status classification, the *current* Bylaws provide that these Judicial members must:

- 1) pay a \$100 investigation fee and submit a completed application form;
- 2) pass a character and fitness review similar to that of an applicant for first admission (but in reality, usually involving nothing more than a WSBA staff review of the information in the completed full application), and
- 3) if they've been Judicial for six or more consecutive years, complete a required reinstatement/readmission course.

The requirements for changing from Judicial to another membership status classification were established by a workgroup that included members of the WSBA Board of Governors, judges, and others. The members of that workgroup agreed to the requirements, which were then approved by the BOG to be effective in January, 2012. Over the years, however, many Judicial members have complained that they think these requirements are unnecessary in light of their public service as judicial officers and that they present barriers to changing to another membership status classification. These barriers lead some Judicial members to resign rather than complete these requirements and change status with the WSBA.

The proposed Bylaw amendments would eliminate all of these requirements. Judicial members would still have to submit an application (to be developed), for WSBA's records and to begin the process to change membership status classification, but it would not be the full admission-length application nor would it undergo a character and fitness review. Also, there would not be a required reinstatement/readmission course for Judicial members.

OTHER MATTERS

Online Legal Directory:

Another matter in which Judicial members and some Courts have expressed interest is to have some method in the online Legal Directory to identify and locate former judges, which could be used to help courts identify experienced judges to serve on a pro tem basis. Although these Bylaw changes do not directly address this interest, because no Bylaw change is necessary to accomplish this, we believe that WSBA staff would be able to develop a method using the online Legal Directory to indicate this judicial service history.

FEEDBACK

The BOG is very interested in receiving feedback regarding these proposed Bylaw amendments. Comments may be sent to questions@wsba.org. All comments will be provided to the BOG for consideration.

ATTACHMENTS:

1. Relevant WSBA Bylaws redlined to show proposed amendments.
2. Clean version of relevant WSBA Bylaws, with proposed amendments

III. MEMBERSHIP

A. MEMBER LICENSE TYPES

...

B. STATUS CLASSIFICATIONS

Membership status classifications have the qualifications, privileges, and restrictions specified.

1. Active

...

2. Inactive

...

3. Judicial [~~Effective January 1, 2012~~]

a. ~~An Active~~ member may qualify to become a Judicial member if the member is one of the following:

1) A current judge, commissioner, or magistrate judge of the courts of record in the State of Washington, or the courts of the United States, including Bankruptcy courts;

2) A current judge, commissioner, or magistrate in the district or municipal courts in the State of Washington, provided that such position requires the person to be a lawyer;

3) A current senior status or recall judge in the courts of the United States;

4) An administrative law judge, which is defined as either:

(a) Current federal judges created under Articles I and II of the United States Constitution, excluding Bankruptcy court judges, or created by the Code of Federal Regulations, who by virtue of their position are prohibited by the United States Code and/or the Code of Federal Regulations from practicing law; or

(b) Full-time Washington State administrative law judges in positions created by either the Revised Code of Washington or the Washington Administrative Code; or

- 5) A current Tribal Court judge in the State of Washington.

...

C. REGISTER OF MEMBERS

...

D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

1. Members may change membership status as provided below.

- a. Transfer from Inactive to Active.

...

- b. Transfer from Judicial to Active. ~~[Effective January 1, 2012]~~

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue his or her affiliation with the Bar must change to another membership status within the Bar.

1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status and:

~~_____ (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information;~~

~~_____ (b) paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year; and~~

~~_____ (c) passing a character and fitness review essentially equivalent to that required of applicants for admission to the Bar, pursuant to APR 20-24.3. Judicial members seeking to transfer to Active must disclose at the time of the requested transfer any pending public charges and/or substantiated public discipline of which the member is aware; and~~

~~_____ (d) (b) complying with the MCLE requirements for members returning from Inactive to Active, except that the member must complete a one-day reinstatement/readmission course tailored to judges, to include lawyer ethics and IOLTA requirements among other topics, if a Judicial member for six or more consecutive years.~~

~~Administrative law judge Judicial members shall complete the 15 credit reinstatement/readmission course required of Inactive lawyers if a Judicial member for six or more consecutive years.~~ Either judicial continuing education credits or lawyer continuing education credits may be applied to the credit requirement for Judicial members transferring to Active. If judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.

2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (a) above.

III. MEMBERSHIP

A. MEMBER LICENSE TYPES

...

B. STATUS CLASSIFICATIONS

Membership status classifications have the qualifications, privileges, and restrictions specified.

1. Active

...

2. Inactive

...

3. Judicial

a. A member may qualify to become a Judicial member if the member is one of the following:

1) A current judge, commissioner, or magistrate judge of the courts of record in the State of Washington, or the courts of the United States, including Bankruptcy courts;

2) A current judge, commissioner, or magistrate in the district or municipal courts in the State of Washington, provided that such position requires the person to be a lawyer;

3) A current senior status or recall judge in the courts of the United States;

4) An administrative law judge, which is defined as either:

(a) Current federal judges created under Articles I and II of the United States Constitution, excluding Bankruptcy court judges, or created by the Code of Federal Regulations, who by virtue of their position are prohibited by the United States Code and/or the Code of Federal Regulations from practicing law; or

(b) Full-time Washington State administrative law judges in positions created by either the Revised Code of Washington or the Washington Administrative Code; or

- 5) A current Tribal Court judge in the State of Washington.

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C. REGISTER OF MEMBERS

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D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

1. Members may change membership status as provided below.

- a. Transfer from Inactive to Active.

...

- b. Transfer from Judicial to Active.

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue his or her affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status and:

- (a) paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year; and

- (b) complying with the MCLE requirements for members returning from Inactive to Active. Either judicial continuing education credits or lawyer continuing education credits may be applied to the credit requirement for Judicial members transferring to Active. If judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.

- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (a) above.

**WASHINGTON STATE
BAR ASSOCIATION**

Additional Materials

**Proposed Bylaw Amendments on the table:
as previously proposed and for continued
discussion/consideration**

and submit all required licensing forms for the applicable membership type for the year in which the member will be readmitted.

2. A voluntarily resigned former member seeking readmission through admission by motion pursuant to APR 3(c) must comply with all requirements for filing such application and for admission upon approval of such application.

O. EXAMINATION REQUIRED

All applications for reinstatement after disbarment or revocation will be subject to character and fitness review, and taking and passing the examination for admission for the applicable license type, pursuant to the provisions of APR 25-25.6. All applications for readmission after voluntary resignation will be subject to character and fitness review pursuant to the provisions of APR 20-24.3. All applications for readmission to Active status from Suspended status will be handled in a similar fashion to applications for readmission from Inactive status. The Character and Fitness Board, and (on review) the Washington Supreme Court, have broad authority to withhold a transfer to Active or to impose conditions on readmission to Active membership, which may include taking and passing the applicable examination for admission, in cases where the applicant fails to meet the burden of proof required by APR 20-24.3. The member/former member will be responsible for the costs of any investigation, bar examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

IV. GOVERNANCE

A. BOARD OF GOVERNORS

The Board of Governors (BOG) is the governing body of the Bar. It determines the policies of the Bar and approves its budget each year. Subject to plenary authority and supervision of the Washington Supreme Court and limitations imposed by Statute, Court Rule, Court Order or case law, the Board possesses all power and discretion on all matters concerning the WSBA. The Board may delegate the exercise of its authority but that does not constitute a transfer of it. The Board's authority is retained and may be exercised at any time upon a majority vote of the Board.

1. Composition of the Board of Governors

The BOG will consist of (a) the President; (b) one Governor elected from each Congressional District, except in the Seventh Congressional District where members will be elected from separate geographic regions designated as North and South, and identified by postal zip codes as established by the Bar in accordance with these Bylaws and BOG policy; and (c) ~~six~~ three Governors elected at-large pursuant to these Bylaws.

2. Duties

**Proposed Bylaw Amendments – Administration
(Art. IV)**

These amendments are intended to achieve two goals:

1. Policy/Governance Transparency.
2. Fiscal/Public Responsibility.

These changes affect Art. IV and the administration and oversight of the WSBA, and reduce costs, including: the right of governors to communicate with the membership; eliminating the Immediate Past President position; capping E.D. compensation; requiring Board of Governors approval for hiring or firing of GC or Chief Disciplinary Counsel; and putting a ten year term limit on the position of the E.D.

REDLINE PROPOSED BYLAW AMENDMENTS re: Administration

IV. GOVERNANCE

A. BOARD OF GOVERNORS

...

2. Duties

...

d. Each Governor is expected to engage with members about BOG actions and issues, and to convey member viewpoints to the Board. In representing a Congressional District, a Governor will at a minimum: (1) bring to the BOG the perspective, values and circumstances of her or his district to be applied in the best interests of all members, the public and the Bar; and (2) bring information to the members in the district that promotes appreciation of actions and issues affecting the membership as a whole, the public and the organization. To facilitate such Governor communications, at the request of any Governor representing a Congressional District, the staff of the WSBA shall transmit to the members of such Congressional District without delay any communications described in (2) above by the means requested by such Governor, whether electronic or physical mail, and without in any way altering such communications without the express permission of said Governor.

...

B. OFFICERS OF THE BAR

...

3. Immediate Past President (Eliminated)

~~The Immediate Past President performs such duties as may be assigned by the President or the BOG. The Immediate Past President will perform the duties of the President in the absence, inability, recusal, or refusal of the President, President-elect, and Treasurer to perform those duties. Among the duties specifically assigned to the Immediate Past President is to work on behalf of the BOG and the officers to ensure appropriate training and education of new BOG members and officers during their term.~~

~~The Immediate Past President is not a voting member of the BOG except when acting in the President's place at a meeting of the BOG and then only if the vote will affect the result.~~

...

5. Executive Director

The Executive Director is the principal administrative officer of the Bar. The Executive Director is responsible for the day-to-day operations of the Bar including, without limitation: (1) hiring, managing and terminating Bar personnel, (2) negotiating and executing contracts, (3) communicating with Bar members, the judiciary, elected officials, and the community at large regarding Bar matters, (4) preparing an annual budget for the Budget and Audit Committee, (5) ensuring that the Bar's books are kept in proper order and are audited annually, (6) ensuring that the annual audited financial report is made available to all Active members, (7) collecting debts owed to the bar and assigning debts for collection as deemed appropriate, (8) acquiring, managing, and disposing of personal property related to the Bar's operations within the budget approved by the BOG, (9) attending all BOG meetings, (10) reporting to the BOG regarding Bar operations, (11) ensuring that minutes are made and kept of all BOG meetings, and (12) performing such other duties as the BOG may assign.

Notwithstanding the foregoing, the Executive Director shall not have the authority to hire or fire the General Counsel or the Chief Disciplinary Officer, which authority is reserved exclusively to the Board of Governors, acting by majority vote to take such actions. The Executive Director serves in an ex officio capacity and is not a voting member of the BOG. The Executive Director's total annual compensation may not exceed the then current total compensation paid to the Associate Supreme Court Justice of Washington.

...

7. Vacancy

...

b. The Executive Director is appointed by the BOG, serves at the direction of the BOG, and may be dismissed at any time by the BOG without cause by a majority vote of the entire BOG. If dismissed by the BOG, the Executive Director may, within 14 days of receipt of a notice terminating employment, file with the Supreme Court and serve on the President, a written request for review of the dismissal. If the Supreme Court finds that the dismissal of the Executive Director is based on the Executive Director's refusal to accede to a BOG directive to disregard or violate a Court order or rule, the Court may veto the dismissal and the Executive Director will be retained. No individual shall serve as Executive Director for more than ten years.

~~The President-elect.~~

~~The President, President Elect, Executive Director and Chief Operations Officer serve as *ex officio*, non-voting members, and the Treasurer serves as Chair of the Committee and has a vote on the committee. ~~Up to two additional voting members who are not Governors or officers may be appointed by the President subject to the approval of the BOG.~~~~

2. The Treasurer, together with the Budget and Audit Committee, will present a proposed Annual Budget to the BOG for approval prior to each fiscal year.

3. Decisions regarding non-budgeted appropriations must be made in accordance with the BOG-approved fiscal policies and procedures.

B. EXPENSES; LIMITED LIABILITY

1. Requests for payment must be in such form and supported by such documentation as the BOG prescribes.
2. The financial obligation of the Bar to any Bar entity is limited to the amount budgeted and ceases upon payment of that amount unless the BOG authorizes otherwise.
3. Any liability incurred by any Bar entity, or by its members, in excess of the funds budgeted, will be the personal liability of the person or persons responsible for incurring or authorizing the liability.
4. Any liability incurred by any Bar entity, or by its members, not in accordance with the policies of the BOG or in conflict with any part of these Bylaws, will be the personal liability of the person or persons responsible for incurring or authorizing the liability.

VI. ELECTIONS

A. ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS

1. Governors from Congressional Districts: Any Active ~~lawyer~~ member of the Bar, except a person who has previously served as a Governor for more than 18 months, may be nominated or apply for election as Governor from the Congressional District, or geographic regions within the Seventh Congressional District, in which such person resides.
2. At Large Governors: There will be a total of ~~six~~ three At Large Governor positions.

**Proposed Bylaw Amendments – At-Large Governor Elections
(Art. VI)**

These amendments are intended to achieve two goals:

1. Policy/Governance Transparency.
2. Enhance Member Influence in WSBA Governance.

This change does not affect the requirements for the At-Large positions but moves the election of the candidates to the general membership instead of the BoG. There is nothing about the makeup of the BoG that makes it more qualified than the membership at large to select the membership’s representatives.

REDLINE PROPOSED BYLAW AMENDMENTS re: At-Large Governor Elections

VI. ELECTIONS

C. ELECTION OF GOVERNORS

...

3. Election of At-Large Governors

At-large Governors are elected by the BOG as set forth below. At-Large Governors shall be elected in the same manner as Governors from Congressional Districts, except that all Active members wherever they reside shall be eligible to cast a vote in each At-Large election. Candidates must meet the requirements for office of the specific At-large position they seek as outlined in §VI.A.2.

...

~~**D. ELECTIONS BY BOARD OF GOVERNORS**~~

~~**1. At-Large Governors**~~

~~The BOG will elect four additional Governors from the Active membership and two additional Governors from the public. The election of At-Large Governors will take place during a BOG meeting not later than the 38th week of each fiscal year and will be by secret written ballot.~~

- ~~**a.** 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. Underrepresentation 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.~~
- ~~**b.** The BOG will elect one At-Large Governor from nominations made by the Young Lawyers Committee. The Young Lawyers Committee will nominate two~~

~~or more candidates who will be Young Lawyers as defined in Article XII of these Bylaws at the time of the election.~~

~~c. The BOG will elect one At Large Governor who is a LLLT or LPO from nominations made by the Nominations Committee.~~

~~d. The BOG will elect two At Large Governors who are members of the general public from nominations made by the Nominations Committee~~

... [THE REMAINDER OF SECTION D UNCHANGED]

- a. Two Lawyer At Large Positions: Any Active lawyer member of the Bar, except a person who has previously served as a Governor for more than 18 months, may be nominated or apply for election as an At Large Governor, except as provided in this Article.
- b. One Young Lawyer Position: Any Active lawyer member of the Bar who qualifies as a Young Lawyer, except a person who has previously served as a Governor for more than 18 months, may be nominated or apply for election as an At Large Governor, except as provided in this Article.
- ~~e. One Limited License Legal Technician (LLLT) or Limited Practice Officer (LPO) Position: Any Active LLLT or LPO member licensed in Washington State, except a person who has previously served as a Governor for more than 18 months, may be nominated or apply for election as an At Large Governor, except as provided in this Article.~~
- ~~d. Two Community Representatives: Any resident of Washington State, except a person who has previously served as a Governor for more than 18 months or who is licensed or has previously been licensed to practice law in any state, may be nominated or apply for election as an At Large Governor, except as provided in this Article.~~

3. Filing of nominations and applications must be in accordance with this Article.

B. NOMINATIONS AND APPLICATIONS

- 1. Applications for Governors elected from Congressional Districts must be filed in the office of the Bar not later than 5:00 p.m., on the 15th day of February of the year in which the election is to be held.
- 2. Applications and nominations for At Large Governor positions must be filed in the office of the Bar not later than 5:00 p.m. on the 20th day of April of the year in which the election or nomination is to be held.
- 3. Applications for the position of President-elect must be filed by the deadline set forth in the notice published in the Bar's official publication and posted on the Bar's website; notice must be given not less than 30 days before the filing deadline.

**WASHINGTON STATE
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**Proposed Bylaw Amendments
Additional Materials**

- Exhibit A, Letter from Govs. Elect Meserve, Majumdar, Bridges
- Exhibit B, Report on Optimal Size of Boards
- Exhibit C, WSBA Sense of Public Participants
- Exhibit D, Report on Cost of a Governor
- Exhibit E, Report on WSBA Member Involvement
- Exhibit F, Report on Timeline of New Governor
- Exhibit G, Addition of New Governors Working Group Roster
- Exhibit H, LP Survey Results
- Exhibit I, Working Group Notes

WASHINGTON STATE
BAR ASSOCIATION

Exhibit A
Letter from Govs. Elect Meserve,
Majumdar, Bridges

Mr. Rajeev Majumdar, Governor-Elect, District 2
Mr. Dan Bridges, Governor-Elect, District 9
Ms. Chris Meserve, Governor-Elect, District 10

September 22, 2016

Board of Governors
Washington State Bar Association
1345 - Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Board of Governors:

We have watched the debate concerning the proposed amendments to the Bylaws, GR 12, and APRs. We have reviewed many responses from members and Bar organizations. We write to share our perspective, reached independently of each other, coming to the same conclusions.

Here, we assume all the amendments have value. Our concern is process. We have heard the Board's explanation to members that holding a special meeting in August for a first reading followed in short order by a vote in September is standard. With the greatest of respect, that does not appear to be the case as shown by a variety of other matters brought before the Board in the last few months.

We appreciate the time you put into this work and know you view it as the capstone of a long process. We think, though, this is not "the end," but "the beginning of the end." These proposals deserve as much opportunity for input and consideration as others coming before the Board, including Escalating Costs of Civil Litigation, prayers at Indian Law seminars, etc. It is not enough to say there have been meetings and a time for input. Members do not consider proposals such as this until they are in a final form and these were not final until last month. Let the members consider them in a reasonable manner.

Our sense is this Board is not giving due weight to how this process is being viewed by the members. We have heard you acknowledge it but we fear you are underestimating it. The members will, rightly or wrongly, view this as rushed through before they could even figure out what was going on. They will view the entire process, including town hall meetings pushed in on the eve of the vote, as contrived. Again, we take no position whether that is true. However, insofar as the last few months the Bar News has had on its cover everything **except** these proposals, members might have basis to argue the Bylaw changes have been hidden in plain sight.

We agree members have a responsibility to be informed and participate. They are starting to now. Let them continue. The members are asking for, and we support, more time. We acknowledge President Hyslop's column in September discussed some (but not all) of the proposals. That is a good start but we submit more needs to be done. We urge the Board to present these to the members beginning with a cover story in the Bar News and a "pro and con" section within it. We encourage direct outreach at local bar meetings, in publications, and e-mails to reach the greatest numbers of members possible. These amendments change the very nature of what the Bar is. We submit they ought to be affirmatively published and discussed at all levels consistent with that gravity.

We do not ask you to reject the proposals. We urge this Board vote to table them and establish a timeframe for their meaningful consideration by the members before a final vote. We appreciate you have traveled a long road to get to where you are, but for the sake of the Board, the members, and the Bar as a whole, we urge you to act in a judicious manner. These bylaws, if passed, may last beyond our mutual lifetimes. If it requires a few months to obtain a meaningful consensus of the members or to create a better product, that is a small price to pay. The perception there was a rush to judgment could create a wound which will take a decade or more to heal, if ever. We ask that you proceed carefully and pause before this important final step.

Thank you for your consideration.

Very truly yours,



Rajeev Majumdar
Governor-Elect, District 2



Dan Bridges
Governor-Elect, District 9



Christina Meserve,
Governor-Elect, District 10

WASHINGTON STATE
BAR ASSOCIATION

Exhibit B
Report on Optimal Size of Boards

To: New Governor Exploration Board.

From: Daniel Clark, WSBA Governor District 4

Date: August 13, 2018

Re: Board Size Best Practices & Neighboring States use of Public Members.

For my contribution for the Work Group, I am exploring what the 2014 Work Group on the new Governor's came up with as far as recommendations, then what the BOG ultimately did in 2016, and then examining best practices and how they relate to best practices of non-profit governing boards, specifically the BOG. I also will examine the current board sizes and compositions of seven (7) neighboring states.

Please note that any conclusions drawn in this report to the information are solely my own personal observations and not meant to represent that of the group.

I. WSBA 2014 work group recommendations:

The Governance Taskforce spent eighteen (18) months conducting an in-depth review of the governance of the WSBA and its final report was finished June 24, 2014. Pertinent to the discussion regarding the potential current bylaw change before the Board of Governors is a found in page 18 of the report. I will provide the actual pertinent quote from the report for the Taskforce:

Recommendation: *To accommodate the additional Governors, the number of elected positions should be reduced to nine. The three current "at-large" positions should be retained to ensure participation by a "young lawyer and members that reflect historically under-represented groups. This would provide for a Board of 15 persons, one of which would be the President.*

Accommodating the two public and one LPO/LLLT members on the Board of Governors could be done by adding more seats. But that is not ideal. With the President, there are currently 15 members on the Board. Increasing the size of the Board will lead to reduced accountability and participation by members. Indeed governance best practices typically recommend smaller boards between 10 and 15 members. See e.g., Daniel Suhr, *Right-Sizing Board Governance*, Hasting Law Journal (2012). As such, the number of attorney members on the Board should be reduced. That reduction should come from the member elected positions, rather than from the at-large positions. This can be accomplished by reducing the number of member-elected positions from eleven to nine. The at-large positions should not be reduced; those positions provide diversity that may not be achieved through the member election process.

Reducing the number of member-elected positions from eleven to nine will require that the historical connection to congressional districts be changed. This linkage originated in the State Bar Act, which provides for at least one governor from each congressional district. See RCW 2.48.030. One way to approach this- and there may be others- is to elect three governors from each of the Court of Appeals districts. Doing so would continue to ensure geographic diversity among Board members. Given that the WSBA operates under the auspices of the Supreme Court, basing the election on districts drawn from judicial elections is a sensible alternative.

A footnote to this report indicated “If the Supreme Court and WSBA do not wish to reduce the number of electoral positions, we would still recommend adding two public and one LPO/LLLT member to the Board of Governors. In such circumstances, however, we would recommend that the Board consider steps that can be taken to ensure accountability and participation by members given the larger size of the Board.

(Governance Final Report Pages 18 & 19: https://www.wsba.org/docs/default-source/about-wsba/governance/governance-task-force/wsba-governance-task-force-report-and-recommendations---final.pdf?sfvrsn=23163ef1_8

Pertinent Law Review Article Information:

Reflecting the “current recommendations for smaller, more effective “working boards” 5 different ABA publications recommend board of directors ranging from 7 to 15 members.”

ABA Coordinating Comm. on Nonprofit Governance, supra note 1, at 21. 32. Id. at 20 (suggesting 9 to 12 directors); ABA Corporate Laws Comm., Corporate Director’s Guidebook 42 (6th ed. 2011) (suggesting 7 to 11 directors); Gregory V. Varallo et al., Fundamentals of Corporate Governance 14 (2d ed. 2009) (citing a study recommending 8 to 9 directors); William G. Bowen, Inside the Boardroom: A Reprise, in Nonprofit Governance and Management 3, 5 (Victor Futter ed., 2002) (suggesting 10 to 15 directors); Martin Lipton & Jay W. Lorsch, A Modest Proposal for Improved Corporate Governance, 48 Bus. Law. 59, 67 (1992) (recommending boards of 8 or 9, and not more than 10); see Sanjai Bhagat & Bernard Black, The Uncertain Relationship Between Board Composition and Firm Performance, 54 Bus. Law. 921, 941 (1999) (reviewing literature arguing for small board size without delivering an independent conclusion). 33. Am. Law Inst., Principles of the Law of Nonprofit Organizations § 320 cmt. g(3), at 118 (Discussion Draft, 2006) (discussing a study of the board size and composition of S&P 500 companies); id. § 320 n.17 (same).

As Suhr argues:

This move to small boards is based on empirical research comparing the different organizational and interpersonal dynamics on a large boards versus small boards. Large boards tend to run on parliamentary procedure (particularly when the board comprises a group of lawyers!) where speakers are called on and identified, rather than the conversational style possible on a small board. This conversational style allows for consensus to emerge more organically, after a full and vigorous discussion, whereas decisions on big boards are almost always made by a formal vote after a stilted and often shortened discussion. Moreover, large boards allow for free-rider members who may attend a few meetings but who do not contribute to the actual governance of the organization: in the memorable phrase of William O. Douglas, “directors who do not direct”. By contrast, everyone on a small boards needs to contribute for the board to complete its work. Additionally, members of a small board have the opportunity to get to know one another, which fosters a sense of cohesion and collegiality. On a large board of 50 members, it is almost impossible to achieve this level of interpersonal intimacy along all the directors. Knowing one another as individuals helps directors operate more effectively as members of the board “team.” Finally, disengaged and unwieldy boards simply transfer power to the CEO and other staff, who manage the organization without effective oversight. On a smaller board, however, the CEO must work with engaged directors who hold him or her accountable through regular meetings in which the directors can make prompt decisions based on good information. In short, these small-board dynamics increase the productivity and cohesion of the board, making it more efficient, effective, and collegial.

See pages 5 & 6 of law review article at:

<http://www.hastingslawjournal.org/wp-content/uploads/Suhr-Voir-Dire.pdf>

Suhr concludes in his law review report recommending smaller Bar Association Governance by stating:

... Many bars operate with ill-structured, hands-off boards that almost necessarily delegate significant power to management. These boards are unwieldy, ineffective, and out of step with best practices for corporate and nonprofit governance. This problem stems from a fundamental misunderstanding about the role and goal of the board. Contrary to the assumptions that lead to bloated boards the role of a bar association’s board is not to be a representative legislative assembly, but rather to be the governing body atop a significant organization with thousands of

members, millions of dollars, and scores of staff. When bar leaders consider their role in that light, they may start to take their own advice and move to smaller, more effective boards that play a vital role in the organization's operations and strategic direction. Bar associations should follow California's lead by undertaking self-study evaluations. And the conclusion of those studies should be a course of action similar to that taken by Minnesota: a smaller board of directors that actually governs, and a larger representative assembly to speak for the profession on legal and legislative issues.

Corporate Board Best Practices:

I next looked at what typical corporate board structures look like. A common question that several websites ask is "how many people are typically on corporate boards?"

Answer: Boards typically have between 7 and 15 members, although some boards have as many as 31 members. According to a Corporate Library, study the average board size is 9.2 members. Some analysis think boards should have at least seven members to satisfy the board roles and committees. See

<https://www.2020wob.com/individuals/20-questions-about-boards>

There does not appear to be a universal agreement on the optimum size of a board of directors. **A large number of members represents a challenge in terms of using them effectively and/or having any kind of meaningful individual participation.** (emphasis added).

The pros of smaller boards is that they tend to meet more often because it's easier to accommodate everyone's busy schedules. Board discussions are generally shorter and more focused than those of larger boards, which typically leads to faster and better decision-making. Since smaller boards spend much time together, they form close bonds and are typically willing to give everyone a fair say.

Board dynamics also tend to differ with larger boards. Board discussions are typically longer with larger boards, as they bring forth a greater variety of perspectives. On the flip side, having many opinions around the table allows quieter members to kick back and disengage causing them to feel like their voices have no meaning. It's also easier for cliques to form with larger boards which can isolate some board members even further. Many large boards alleviate some of these problems by using an executive committee as a steering committee. See:

<https://www.boardeffect.com/blog/board-size-nonprofit-governance/>

Discussion:

The 2016 Board of Governors adopted the recommendation to amend the bylaws to add three (3) new potential Governors to the Board of Governors. It appears based upon the record, that the 2016 BOG completely failed to adopt any measures to address the ramifications to increase the size of the BOG from 14 to 17 members (18 including the WSBA President, and 20 including the President-Elect and Immediate Past President).

Taking this current action seems to violate the best practices as mentioned above with regard to the size of a Board. The BOG does not appear to have taken any steps to look to address the **“challenge in terms of using them effectively and/or having any kind of meaningful individual participation.”**

The 2016 BOG appears to have adopted some of the recommendations of the Taskforce but simply ignored others in their adoption of the current bylaws. There does not appear to be any mitigation considerations on the increase of the size of the board, how that will potentially impact current BOG dynamics, increased cost, increased time for BOG meetings, and potentially for increased BOG dysfunction.

The Taskforce recommended the BOG look at potentially changing the current 11 geographical congressional district Governor elections. The problem with that is that each Governor that has been elected arguably has a liberty and property interest having been elected as Governor for their respective District and with staggered elections on a three (3) year rotational basis, it seems unlikely and problematic that current Governors would be willing to forego the remaining terms of their elected service.

Other potential considerations for the now BOG:

1. Look to change and reduce the 11 Geographically elected Congressional District Governor positions.

The Taskforce recommended the BOG look at potentially changing the current 11 geographical congressional district Governor elections. The problem with that is that each Governor that has been elected arguably has a liberty and property interest having been elected as Governor for their respective District and with staggered elections on a three (3) year rotational basis, it seems unlikely and problematic that current Governors would be willing to forego the remaining terms of their elected service.

Another practical problem would be if the BOG were to adopt such a plan and reduce the 11 to 9, to retain the smaller ultimate BOG size, there were no recommendations on how to ensure that geographic diversity would occur within the three (3) appellate court districts which would be one way that the WSBA could redistrict elected governors. An example of this would be with District 4 and 5 currently, where District 4, encompasses the Tri-Cities, Moses Lake and Yakima areas, along with other much smaller populated areas of the central Washington. District 5, is predominately the remaining east side of the state and is overwhelmingly dominated in population and attorney membership in

Spokane County. From practical standpoints, unless WSBA were to carve out at least 1 geographically designated Governor for former District 4, almost certainly just by sheer membership location, Spokane County would end up with all three (3) of the Appellate III Governor positions.

2. Look to Potentially reduce the size of the two-at large BOG Governor positions to accommodate new BOG Governor (potential Public and LPO/LLLT member).

The 2014 Taskforce's final report recommended not changing the current makeup of the three (3) at-large Governor positions. They recommended that the current WYLC young lawyer at-large position be retained, along with the two other at large positions to ensure diversity. The 2014 report didn't give any basis for that decision. With WSBA having celebrated its five (5) year anniversary for equity and inclusion for its current Diversity emphasis, an argument could be made that as WSBA evolves and this program intends to reach its goals, that there may be a potential to look to reduce the size of the BOG to maintain optimal governance size by looking to reduce one or both of the current at-large Governor positions. Under this hypothetical potential, if WSBA and the Diversity Program are effectively working, the current BOG elections would seem to now afford equity and inclusion of traditionally under-represented WSBA member demographics.

If the BOG were to adopt such a change, it would seem reasonable to look to phase in the elimination of one (1) BOG at large position to help mitigate the increased size of the BOG if the BOG retains the current bylaw. The counter-argument to this would be that by eliminating the at large position, it will undermine the goals of equity and inclusion and potentially take away a current avenue for under represented WSBA membership to be able to serve on the BOG and/or have a meaningful voice in governance. This may be something that the BOG wants to look at though if the overall goal is not to increase the size of the current BOG and/or to avoid going past 15 overall Governors.

3. Abolish the entire Geographic District representation and just have WSBA wide member elections.

Another potential for the current BOG to consider would be to look to abolish all positions by a certain date and just have all WSBA member wide elections. Obviously doing this would seem to potentially violate the current State Bar Act, and from a practical standpoint would seem greatly problematic. Given that the vast amount of membership is centered in the Seattle/King County metro area, from a practical standpoint, one can clearly assume that most candidates that would ultimately be elected if there were no geographical Governor safeguards, it is more than likely that Governors in District 1, 2, 3, 4, and potentially 5 and WSBA members in those regions

would end up not having geographic representation. Given that there is a vast political differences in philosophies by geographical location in this state, and a real “divide” between the west and east of this state in regards to liberal v. conservative philosophies, doing this would seem to be ill advised and likely problematic.

4. Roll Back 1 or 2 Public Member Governor positions.

Another option to reduce the size of the BOG in order to maintain the ideal board size, would be to look to not implement both Public member positions, but instead only to adopt 1 of the 2. The 2014 Governance Taskforce recommended at least two because:

Adding one public member, however is not sufficient. There is a real danger that he or she would find him-or herself quickly outnumbered and isolated. At least two public members are necessary to provide a respectable counterweight to those members who are attorneys or other legal professionals.

Page 18 of report.

The report does not cite any basis for the conclusion to recommend two members. This BOG may want to look to eliminate one of the two public member positions to help mitigate the increased size of the BOG. Doing so would seem to accomplish the goal of ensuring that:

the WSBA must operate for the benefit and protection of the public, the inclusion of public members on the Board of Governors is essential. As other bar associations have discovered already, such members bring a unique perspective, and their relative lack of legal expertise helps to keep a board focused on monitoring, oversight, and providing direction as opposed to management.

Page 18.

The addition of at least 1 public member may also help reduce the risk of Anti-trust claims being made against the WSBA.

5. Roll Back and/or defer implementation of the guaranteed LPO/LLLT Governor position.

The 2014 report found “Although the WSBA also supervises and regulates Limited Practice Officers (LPOs) and Limited License Legal Technicians (LLLTs), neither LPOs nor LLLTs are eligible to serve on the Board. (Page 17 of report).

The report further added, “The WSBA is also charged with the regulation of LPOs and LLLTs. Their inclusion on the Board is appropriate; one Governor should be appointed from the pool of LPO and LLLT members.

There are currently 37 LLLT members, with 34 active. There are currently 772 active LPO's who reside in the state of Washington and 153 total inactive LPOs that reside in the State of Washington.

The smallest geographic District with WSBA membership is District 4. Per the July 3, 2018 report from the Executive Director, District 4 had 1351 members and 1139 active members in it.

It would seem potentially reasonable to look to defer implementation of an automatic guaranteed Governor seat to these two limited license types until the aggregate combined total of both were equal to or greater of that than the lowest number of a geographic district.

If that were to be done, I would firmly believe it would make sense to then immediately allow both limited license types to run for any and all WSBA elections. It seems very fair that WSBA members are WSBA members, so we shouldn't be expecting these limited license types to pay the same membership license fees, but not receive the same benefits of membership, one of which is the ability to run for an elected office and/or vote in a WSBA election.

One very interesting quote from the 2014 Taskforce report that the 2016 BOG appears to have agreed with, but then appears to have ignored is the following:

The WSBA is also charged with the regulation of LPOs and LLLTs. Their inclusion on the Board is appropriate; one Governor should be appointed from the pool of LPO and LLLT members. **However, the Limited Practice Board indicated little interest in participation on the Board of Governors at this time. And LLLTs will not begin to be licensed until 2015. Until there is a sufficient pool from which to select a Governor, the LPO / LLLT "slot" should be filled with a public member.** (emphasis added).

The fact that currently there is 37 total LLLTs and 34 active LLLTs does not seem to be what would be a "sufficient pool" to guarantee a spot as Governor. While this issue may be open for debate and the 2014 Task Force did not really address what would be "sufficient", it seems to be an issue for discussion as far as if it would be better to potentially defer the LPO/LLLT position at this time for a public member, if the Board felt that overall board size was of paramount importance.

- 6. Potentially have 1-3 of these currently scheduled position be "advisory" positions without voting power.**

One other potential discussion item would be in examining other neighboring states, some have public and/or other members that are part of the BOG in a non-voting member status. If the now BOG were to adopt something like this, it could satisfy having public members concerns and input by the current BOG as well as LPO/LLLT's, but that would not officially expand the current footprint of the overall BOG.

Doing so, would potentially be seen as disrespectful to both classes, would likely be argued to not really give either a meaningful voice, because they would not be empowered with a vote. However, it would seem as a potential to help give both currently unrepresented groups on the BOG input and voice and to have the current 14 Governors be able to better hear from both of these groups about issues involving governance.

II. OTHER NEIGHBORING STATE BAR ASSOCIATIONS TREATMENT OF PUBLIC MEMBERS & OVERALL GOVERNANCE SIZE

With the goal of examining how other neighboring states to Washington dealt with self-governance issues of their respective state Bar Associations, and in wanting to examine how many states currently have public members on their BOGs, I examined at seven (7) neighboring State Bar Associations formation of Government. They varied in ranges in size between 5 and 30. Arizona seems the vast outlier, with 30 member which include Dean's from the 3 law schools and various other ex-officio members and 19 attorney members and 4 public members. Idaho was the smallest with 5 "Commissioners" that are analogous to WSBA Governors which serve WSBA's Governor functions.

Three (3) of the seven (7) states had thirteen (13) BOG members, with 2 other states having sixteen (16) and nineteen (19) respectively. Using averages for all seven (7) states, the mean score was: 15.57 members including the high and low. Removing Arizona and Idaho, the two states with the highest and lowest number of BOG members, the mean average was: 14.8 members.

The following is a breakdown of the various neighboring western states to Washington's bar governance structure:

Idaho: 5 Commissioners that run bar. No public members.

Oregon: 19 Governors, including 1 that serves as President. 4 public members with one each year elected.

Montana: They call their BOG the Board of Trustees. 16 total members. (does not appear to have public members).

California: 13 total members called Trustees. 5 attorneys appointed by California Supreme Court. 2 Attorneys appointed by legislature. 6 public or non attorney members four appointed by the Governor, one by the Senate Committee on Rules and one by the Speaker of the Assembly.

Utah: called Commissioners: 13 voting members, 11 attorneys and 2 public members. They also have ex-officio members: 13 total, who do not vote, including State ABA delegates, ABA YLD representative, Paralegal Division Representative, Women Lawyers Representative, Young Lawyers, Representative, LGBT & Allied Lawyer Representative, Law School Dean representatives (2), Minority Bar Representative, and Immediate Past President.

Arizona: Comprised of 30 people, four non-attorney, public members appointed by the Board, three at large members appointed by Arizona Supreme Court, 19 attorney members elected by fellow Bar members in their district, and four ex-officio members. (immediate and past president and deans of Arizona's three law schools).

Alaska: 13 total governors including 2 public members (1 currently is Treasurer, with 40 years in banking including masters degrees in finance.).

This was a limited sampling of neighboring states. It may be worthwhile to have WSBA staff continue to expand the sample size of states and what other states bars do for governance. The universal trend though does seem to include at least 1 public member on neighboring states.

Conclusion:

The above information has been compiled by me in good faith. The thoughts and suggestions contained therein, are my own personal observations, and not meant to be that of the workgroup, and/or any other Governor's. The intent of this was to try to give a history of the 2014 Taskforce's final report, what concerns are over the overall size of the BOG, and to try to suggest various issues that our Taskforce and potentially the other all BOG will need to examine in ultimately deciding this issue.

In any event, thank you and please let me know if you have any questions or concerns.

Respectfully,

Dan Clark

District 4 Governor

WSBA #35901

**WASHINGTON STATE
BAR ASSOCIATION**

**Exhibit C
WSBA's Use of Public Participants**

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Addition of New Governors Workgroup

From: Jean McElroy

Date: August 27, 2018

Re: Public Members on WSBA and WSBA-Administered Boards, Committees, and Other Entities

Below is a table showing the WSBA and WSBA-administered Boards, Committees, and other WSBA entities that include public members among the members of the entity, based on Court rules, charters, or staff or website information about entity makeup and (sometimes) membership information in the online directory re: current members.

NAME OF ENTITY	# MEMBERS	# PUBLIC MEMBERS
Access to Justice Board	11	2
Addition of New Governors Workgroup	21	2
Character and Fitness Board	14	3
Civil Litigation Rules Drafting Task Force	23	1
Client Protection Fund Board	13	2
Council on Public Defense	26	3
Discipline Advisory Roundtable	14	2
Disciplinary Board	14	4
Limited Practice Board	8	3
LLLT Board	15	5 (1 <i>ex officio</i>)
Mandatory Malpractice Insurance Task Force	18	3
MCLE Board	7	1
Practice of Law Board	12	3
Pro Bono and Public Service Committee	18	3
Antitrust, Consumer Protection & Unfair Business Practices Section Executive Committee*		1 (non-voting)
Cannabis Law Section Executive Committee*		1 (non-voting)
Solo & Small Practice Section Executive Committee*		3 (non-voting)

- This Section Executive Committee information was provided by Paris Eriksen, Sections Program Manager.

WASHINGTON STATE
BAR ASSOCIATION

Exhibit D
Report on Cost of a Governor

MEMORANDUM

TO : NEW GOVERNOR WORKGROUP
FROM : DAN BRIDGES
DATE : AUGUST 21,2018
RE : COST OF A GOVERNOR

I. OVERVIEW

The cost of a governor is directly related to their geography. For ease of reference there are three categories to consider: Eastern Washington with plane travel, Western Washington generally, and Seattle-based governors who do not ask for any out-of-pocket reimbursements. Those break down as averages, per governor, per year as follows:

- 1. Eastern Washington : \$ 12,000.00
- 2. Western Washington : \$ 5,000.00
- 3. Seattle based, asking for no reimbursements : \$ 3,000.00

As a yearly cost that presents a range of \$9,000 to \$36,000 a year for 3 new seats.

Based on the raw data, if you take a governor’s service life of 3 years, and given the cost of a governor changes over time based on meeting commitments, my sense is the amortized cost averaged across all geography is approximately **\$7,000 a year** which does not include all costs. Some people are double that in one year while some are less. The raw data is attached for you to draw your own conclusions.

The highest single person cost incurred in 2017 was approximately \$14,000 for a person on the east side of the state.

II. DISCUSSION

It is impossible to combine numbers and arrive at an average. There are too many variables and the cost of a governor changes between their first and third years. Also, we did not attempt to capture many discrete costs that are for a certainty incurred.

It is clear the cost of a governor is largely geographically dependent. There might be a sense we should discount the costs of officers. I suggest that is inaccurate. Other than the person serving as current president, a fully participating governor is at no fewer events than the elect or immediate past president. For example, the past president serves on executive committee, attends personnel and budget and audit committee. But, that could be said of a governor as there has been at least one governor on all those committees and executive committee.

Therefore, while consideration of the cost of the president should be removed from the equation, our past president in Spokane is an important comparator. This year, we have two people from Spokane, Bill

Hyslop as immediate past president and Angie Hayes as a governor. WSBA spent no less than \$14,000 on past-president Hyslop and \$11,000 on Governor Hayes in 2017. Governor Hayes is not on materially fewer committees or groups than past-president Hyslop. The difference is that often governor Hayes attends by phone whereas past-president Hyslop most always flies to Seattle.

That said, simply looking at numbers on a chart is an impossible way of accurately gauging the cost.

For example, second-year governors go to either California or Maui for the Western States Conference. That is over a \$1,000 expense. But, that is only incurred by second-year governors. If you serve on the Board, at some point you will incur that expense but looking at a chart of costs, only three or four governors a year are incurring it in a given year. Therefore, pointing at any one governor who did not attend that year artificially decreases their cost to WSBA as it is simply true WSBA did not incur that cost that particular year but it will in a different year.

There is an additional complication considering the cost of new Governor seats. For example, a small number of governors make the personal decision never to ask for a reimbursement as a part of their contribution back to the profession. I am unsure it is reasonable to rely on that level of voluntary giving from a public member because while we can be grateful for that service, I suggest it is more likely they will ask for reimbursement for out-of-pocket costs.

Finally, the numbers found do not include all costs. For ease of research we only examined easily identifiable, large expenditures such as travel, events when the Board is out of town, and direct requests for reimbursements. However, as one example of uncaptured costs the group registrations and meeting costs identified do not include any of the catering costs; not at board meetings or any of the many lunches and other events catered and we pay per head at.

Without question WSBA spends a not insubstantial sum on other issues which individually may seem de minimis but over the course of a year or three years of a Governor's term add up such as costs for materials, staff time, etc. Those costs are not included.

If a governor is any further east than Yakima, it seems the cost is consistently over \$11,000. Even Governor Hayes who attended many meetings by phone, incurred \$10,000 of out-of-pocket cost in 2017 not including any of the ancillary costs we did not consider in this analysis.

For a governor outside of the Puget Sound area but on this side of the mountains, those costs are not less than \$5,000. In that regard, consider the costs of Governor Doane and Risenmay, both in the Puget Sound and both with cost over \$5,000 not including any of the ancillary cost we do not consider in this analysis.

I suggest it would be error or to seize on a first year Governor such as myself last year, with offices in Seattle, who did not ask for a single reimbursement, and did not attend the Western states conference for the reasons stated above. I also did not stay at the hotel in Olympia in 2017. Similarly, Governor Popiliou did not attend all of out of town meetings.

Board Member	Direct Reimbursements ¹	BOG Meeting Costs ²	BOG T&O Group Registrations ³	BOG Conference Attendance ⁴	TOTAL
Black	\$ 1,048.48	\$ 2,668.02	\$ -	\$ -	\$ 3,716.50
Bridges	\$ -	\$ 895.50	\$ 445.00	\$ -	\$ 1,340.50
Cava	\$ -	\$ 1,687.78	\$ 345.00	\$ -	\$ 2,032.78
Clark**	\$ 872.76	\$ 920.20	\$ -	\$ -	\$ 1,792.96
Danieli	\$ 1,099.35	\$ 1,154.34	\$ 850.00	\$ -	\$ 3,103.69
Doane	\$ 2,936.74	\$ 1,024.92	\$ 445.66	\$ 595.00	\$ 5,002.32
Hayes	\$ 6,558.96	\$ 2,474.82	\$ -	\$ 915.00	\$ 9,948.78
Jarmon	\$ -	\$ 1,812.10	\$ 652.04	\$ -	\$ 2,464.14
Karmy	\$ -	\$ 1,340.14	\$ 105.00	\$ -	\$ 1,445.14
Majumdar	\$ 2,285.62	\$ 2,105.62	\$ 78.62	\$ -	\$ 4,469.86
Meserve	\$ 1,416.38	\$ 1,810.10	\$ -	\$ -	\$ 3,226.48
Papailiou	\$ 475.26	\$ 444.78	\$ 355.00	\$ -	\$ 1,275.04
Risenmay	\$ 3,344.40	\$ 1,103.70	\$ -	\$ 595.00	\$ 5,043.10
Furlong- President/PE	\$ 4,958.18	\$ 2,383.90	\$ 682.04	\$ 1,351.82	\$ 9,375.94
Haynes- President	\$ 15,121.06	\$ 908.72	\$ 700.00	\$ 1,849.11	\$ 18,578.89
Hyslop- Immediate Past	\$ 10,632.42	\$ 2,474.82	\$ 65.00	\$ -	\$ 13,172.24
Pickett- PE	\$ 5,523.65	\$ 1,421.06	\$ -	\$ 915.00	\$ 7,859.71
TOTALS	\$ 56,273.26	\$ 26,630.52	\$ 4,723.36	\$ 6,220.93	\$ 93,848.07

** Dan Clark only served a partial term; hence, his lower dollar cost.

NOTES:

1) Direct reimbursements are payments made out to the individual Board member, typically based on the submission of an expense reimbursement report. Costs typically include travel costs for Board-related work, conferences (including meals and registration), and other events.

2) BOG Meeting Costs are based on nightly lodging to attend board meetings, paid directly by WSBA. This does not include group meal costs and meeting space. As an approximation, **add \$720 a governor for meals at Board meetings calculated at \$20 a meal (averaged), at 6 meals, for 6 Board meetings. This does NOT include meals for spouses and others WSBA pays.**

3) BOG Travel & Outreach Group Registrations are expenses to attend events held by other organizations throughout the year. WSBA pays directly for the registrations for these events on behalf of the Board members.

4) BOG Conference Attendance expenses are WSBA paid registrations and lodging for Board attendance at annual conferences such as NCBP, BLI, and WSBC.

**WASHINGTON STATE
BAR ASSOCIATION**

**Exhibit E
Report on WSBA Member Involvement**

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Robert L. Beale
William P. Bergsten
Judge Rosanne Buckner, Ret.
James W. Feltus
Henry Haas

Ray Graves (1924-2017)
Leo A. McGavick (1904-1994)

August 13, 2018

WSBA Workgroup regarding
Addition of new BOG Members
c/o Darlene Nuemann, Paralegal
Office of the General Counsel
darlenen@wsba.org

RE: Review of WSBA Member Involvement

Darlene,

I would appreciate it if you would disseminate this letter and attachments to the appropriate recipients.

Fellow Workgroup Members,

As you will recall, at the July 12 Workgroup meeting I was tasked to seek out and report back on the issue, as follows:

How do members process information: In other words, WSBA arguably had a long process leading up to the passage of the bylaw amendments to add new governors (governance task force, by law drafting work group, etc) but the tip of the spear of, "here are amendments to do so," was a fairly short time frame between being presented to the members and passed. When and how do members respond to information. Is it at the initial investigation stage, work group stage, or is when there is something as with concrete language to consider.

I sent out a request to several different groups and asked each of them to respond and to disseminate the request as much as possible. I am attaching the email hereto for review as **Exhibit A**, so the workgroup can see exactly what the responses were to. I would note that it wasn't until late Saturday evening August 11th that I received an email from an attorney who corrected an error in my email. I am attaching it hereto as **Exhibit B**. Upon reading it and reviewing the WSBA Notice re the additional 3 seats, I sent out a correction regarding that error, as well as a clarification, based on another response I received. I am also attaching that email to **Exhibit B**.

I sent the request for input to my local Bar, (The Tacoma Pierce County Bar Association (The President of the TPCBA and the President of the TPCBA Family Law Section)); I sent the request to the FLEC (WSBA Family Law Executive Committee); I sent it to the members of DRAW (a recently formed Association of Washington Family Law attorneys); I sent it to Paul Swegle to forward to the group he emails updates to regularly; and after expressing my concerns regarding the response rate to Rajeev Mujamdar, he suggested I send it to Carla Higginson at the San Juan County Bar as they have been very active in providing input to the WSBA.

I am attaching all of the responses I received hereto for review as **Exhibit C**; (note I have cut and pasted them to remove identifiers and save space). I received responses from a Judge, a Family Law Commissioner, retired and semi-retired attorneys, current attorney members, and a Deputy Prosecuting Attorney. I did not receive any input from any LPO or LLLT members.

Finally, in order to obtain more data, I reached out to members and asked them face to face for their input. Obviously I did not take verbatim notes and I am not, and cannot provide transcripts of our conversations. But, I am going to do my best to include that input as well herein.

I will try to reduce the responses (from all sources) to an executive summary for review here. The responses fall into a few general categories. First and overwhelmingly most prevalent is the fact that the vast majority of members did not respond. I believe this is emblematic of the Bar Membership in general. The consensus is that the Members are too busy to deal with the extra effort of reviewing and responding to communications. Many also indicated that was because they trusted the BOG to review and address the issues in a manner that represented the Members.

Next, the members who responded appear to believe the WSBA notice process is either unintentionally, or intentionally, designed to make the chances of seeing important notices unlikely. These seemed to generally indicate that the notices they felt were important were buried deep in vast volumes of unimportant issues. To be fair, I assume that all of the issues are important to some portion of the Members and what each feels is, or is not, important varies. But, the sentiment that issues effecting the entire membership, and/or that have significant effects on the entire membership are not singled out in an "Executive Summary" manner. There were references to "the Old Bar News" having a Notice section, which did a somewhat better job of notifying the Members of important issues than the new "NW Lawyer" does. The feeling seems to be that the notice periods were too brief and that the period of time between when the Members were informed of an issue and the decision on the issue did not allow for appropriate review and

input from the Members. Some responses acknowledge that the process includes sometimes years of work, but that time is not relevant to the Members opinion of the membership being able to review and have input on important issues.

While my task was not to specifically address the LLLT, the Bylaws Amendments as to the Sections, or the Dues Referendum issues, you will note that many of the responses used these issues as examples of the lack of WSBA and BOG communication with the Members.

Some suggestions to address the issue of lack of perceived communication with the membership were to provide succinct emails with "executive summary" headers so issues that were important to any individual member could quickly be noted and reviewed more in-depth and issues not important to a member could be deleted. The use of a "Pros and Cons" description of each issue so the Members could review them and see what the critical issues were and what each side was saying was good/bad so the Members could decide what to look into further was also discussed.

Of significant note to me was the general belief of those who responded to my requests for input that the WSBA has ceased to be an Association who represented its Members. I believe this is due to the Members own lack of involvement in the process, which is based on a combination of being too busy to investigate issues based on a belief that others who have the time to be involved will look out for their best interests. At a recent BOG meeting, former President Anthony Gipe recited many sad statistics about the incredibly small percentage of Members who voted in BOG elections. I understood his comments to mean the BOG really wasn't a representative body and therefore need not be concerned with what the general membership wanted. I believe the opposite is true: that because of the trust placed in the BOG to represent the membership, there is an increased obligation to act on behalf of the membership.

Overall, I believe better communication at earlier stages of the process to the membership is critical. Better, in my opinion, by setting out a concise statement of each issue being considered by the BOG being disseminated to the membership in an easy to obtain location (not buried in hundreds of pages of meeting materials, and not left in executive session portions not available to the membership). Issues being considered should have a concise statement describing it in the header, or "re: line" and then, in the body a brief Pro and Con of what the effect would be of the issue.

I hope my efforts have been directed in the manner intended so as to provide information helpful to the BOG as it moves forward and considers issues critical to the status of WSBA, the BOG and the membership.

Sincerely,



Cameron J. Fleury
Attorney at Law

CJF:

Enclosures as stated

\\Mgps-fs1\users\CJF\Desktop\WSBA Workgroup report.docx

EXHIBIT A

Cameron Fleury

From: Main@DRAW.groups.io on behalf of Cameron Fleury <cjf@mcgavick.com>
Sent: Monday, July 23, 2018 9:28 AM
To: Main@DRAW.groups.io
Subject: [DRAW] WSBA Workgroup input needed

Fellow DRAW members,

As you are hopefully aware, at a recent Special Session of the BOG, a Workgroup was formed to report back on the pending addition of three new seats to the BOG: to be comprised of a LLLT, a LPO and an at-large member, all appointed (not voted) to their positions.

The portion of the issue I have been tasked with reviewing and reporting back on is as follows:

How do members process information: In other words, WSBA arguably had a long process leading up to the passage of the bylaw amendments to add new governors (governance task force, by law drafting work group, etc.) but the tip of the spear of, “here are amendments to do so,” was a fairly short time frame between being presented to the members and passed. When and how do members respond to information. Is it at the initial investigation stage, work group stage, or is when there is something as with concrete language to consider.

I think this issue is appropriate for me to look into because I was what I believe to be a “standard” Member of the Bar for the last 22+ years. Even after I read the Bar’s “Interim Governance Report”, and the final “Governance Report” a few years back, I wasn’t aware of any effects it could have on me personally as a Member of the Bar. It only became clear to me that something seriously wrong when the Proposed Bylaws Amendments, rolled out during the Holidays a couple years ago, that I became aware that incredibly important, and in my opinion, horrible, changes were happening in the WSBA and became involved.

What I need is to hear back from as many Members as possible, about YOUR impressions and experiences with WSBA leadership, management and the process for informing YOU, the Members, about what their Association is up to. To see if it is “working”, or if not, what needs to be done to change it.

For example, from my perspective, the Bylaws Amendments rolled out a few years ago during the holidays were “sprung” on the Membership during the Holidays when most Members were focused on family, year-end CLE’s, etc. in an effort to secure their approval without being noticed until it was too late. Since I have become involved, I now see the process for these Amendments began almost 4 years before they were rolled-out. Giving the WSBA the “benefit of the doubt” I can now see why they say they are shocked at the opposition when the process has been going on for so long and there has been opportunity for input at several stages before the final input period.

That was MY perspective. What I need to hear about, and report back to the Workgroup is what is/was YOUR perspective on the process and opportunity for YOUR input. Please circulate this email. I want to get more than just Family Law attorneys’ perspectives on this process.

Please feel free to contact me directly at cjf@mcgavick.com to provide me with your input, or to discuss this matter further.

Keep in mind that the Workgroup has only two more meetings before we have to submit our input to the overall BOG for consideration at their September Meeting. Therefore, time is short.

Regards,

EXHIBIT B

Please correct the information on your request for feedback about the proposed BOG seats. Two seats are for members of the public (non-lawyers) and one seat is for someone with a limited license (either LLLT or LPO). You have incorrectly implied the seats are for one LLLT, one LPO and one at-large.

The BOG should at a minimum have community members representing the public interest. Having someone with a limited license is also appropriate.

--

Paul,

Thank you for forwarding the email request for input. It has had tremendous results.

Could you please email the following to the group you sent the request for input to?

Greetings:

I want to thank everyone who has responded for their input. It has been very helpful and I am in the process of collating it into a report back to the work group for the meeting this week.

One error needs to be corrected and one clarification needs to be made in my previous email. If these have ANY impact on your comments, please let me know ASAP.

1 – I was incorrect when I wrote the 3 new BOG positions are to be 2 LLLT/LPO and one at large public member. The correct information is the 3 new BOG positions at issue are to be comprised of two at large members of the public and 1 LLLT/LPO seat.

2 – I want to be clear that the December/January 2015/16 issue which was sent out for comment was the Sections Workgroup Amendments to the Bylaws not the LLLT notice or the additional BOG seats notice. The first read of the proposed bylaws to add 3 additional at large positions was at a special meeting in AUGUST 2016. The bylaws were passed in September 2016. This was also an exceptionally short notice period and during the summer vacation for many Members.

I apologize for my error.

Thanks,
Cameron

EXHIBIT C

Dear Cameron:

After receiving your email from Paul Swegle on Thursday, I have posted it to the Probate Listserve today to give your request a broader exposure.

I have been what you call a “standard” member of the Bar for 41 years. In my younger years, I was involved in volunteering in the Legal Clinics, in writing for the Young Lawyers Manual and the Washington Methods of Practice, presenting at CLE on the subject of Dealing with the IRS, and other non-governance activities. As I am almost retired, and family health and other matters take up my time, my contributions have been limited.

I have been a member of the Real Property and Probate Section, and until recently was a member of the Taxation Section. I have been on the Probate List Serve since I think it started.

Prior to December, 2015, the information that I received or processed from the WSBA was basically by reading the Bar News and I often did not pay much attention. I do note that I emailed comments back in 2012 to the Task Force that back then was looking at Mandatory Malpractice Insurance.

In December, 2015, the WSBA rolled out a proposal to change the Sections. As I recall, it was sent out on December 30. Who sends out important notices on December 30 unless they are deliberately trying to get away with something? There had been some Sections study or Group that **had no Section leadership involved and did not ask for responses by the Sections.**

You are probably familiar with that whole debacle. The Sections rebelled, there were all kinds of objections, and a new Group was formed and eventually this issue was resolved. I remember writing comments, and reading everything that came out on this matter.

For me, and I think for many Bar members, the Sections are the most important part of our Bar membership. The Probate List Serve is invaluable and where we go for help and questions. How out of touch is the WSBA leadership with their members that they thought that they should start changing or messing with the Sections.

August 11, 2018
Page 2

It was at that point that I really started paying attention to what the WSBA was doing. And then there was the whole Bar Dues Increase & Referendum debacle in 2016. Whether the bar dues should have been increased or not is something that reasonable people can debate. But I won't forgive the WSBA leadership for the way they handled it and just got a Supreme Court order to ignore their membership. I wished the Legislature had passed Senate Bill 5721. The WSBA deserved it.

The next item was the LLLT Board proposal of expansion of LLLT services to additional Family Law matters and to Estate and Healthcare Law areas. That was in March, 2017. Prior to that date, I had not paid a lot of attention to the LLLT issue. It seemed reasonable that LLLT might be a real service in the Family Law area. But I have real concerns about expanding their services to other areas.

I sent comments on those proposals and followed this situation on the Probate List Serve. Most of the proposed increases in practice areas for LLLTs were not enacted.

There was much activity on this from all of the Sections and communications going on the various Section List Serves. I remember forwarding emails to one of the Family Law section members who was objecting, writing a letter, and asking for addition signors to his letter. His objections had been posted to the Probate List Serve and he was getting responses being posted back to the Probate List Serve. As he was a member of the Family Law List Serve but not the Probate List Serve, I was busy forwarding those responses to him.

Also in this process, Julie Fowler posted the attached email to the Probate and Family Law List Serves. She noted that some of the BOG governors thought that "tagging on to someone else's letter" was not a "real" objection. Again, what arrogance by the BOG, and complete disrespect of the WSBA members.

With regards to the LLLT situation, I think this has been a high cost for little results and needs to be completely re-thought. When the LLLT Board came out with the latest proposal to extend the LLLT areas to Consumer, Money and Debt Law, I went back and pulled all the original articles on the LLLT and the LLLT board minutes for the last 2 years. After reading them, I have concluded that the LLLT Board seems to be empire building and look for areas to expand that are probably not good choices. Since an LLLT cannot file bankruptcy for clients as that is a federal area, what benefit are they offering in this expansion? The Draft noted that there are other organizations that have offered services in these areas for decades but consumers are not using them. Why should the LLLT expansion be any better?

I was going to write a detailed letter on this issue to the LLLT Board but family health matters (family member with terminal cancer) intervened and I had to leave this issue up to other WSBA members to deal with.

August 11, 2018
Page 3

The one thing that did happen with this latest LLLT expansion draft was that it was properly and well communicated to the WSBA members for comment. I saw more than one email with the Draft and requesting comments. I think that is the first time that I have seen a issue really well circulated to the members for comment.

With regards to the current issue of expanding the Board by 3 appointed members, one an LLLT, one a LPO and one an at-large member. I do not recall seeing any real explanation or understanding of this issue until lately. If it has been going on for 4 years, it was really not communicated well. There are multiple issues here that should have been presented to the members for comment:

1. What is the purpose of having appointed rather than elected BOG members?? And personally I am opposed to BOG members who are not elected. You would have to go a long way to convince me that there should be any appointed BOG members, and if there are, I believe the should be non voting positions.

2. Why should LLLT or LPOs have their own Board slots?? They are a tiny amount of the WSBA members. They do not represent most of the WSBA members. If they want to be on the Board, they can run for the Board like everyone else. If there is a really good reason for them to be on the Board, they they can be non voting members, which will allow them to be heard but not vote on matters where they represent only a tiny number of the total WSBA members.

I don't recall what the WSBA membership is today but it is close to at least 40,000. With that many members of all colors, genders, and social and political opinions, I do not believe that the LLLT and LPOs need designated BOG slots. They can have their voices heard and if they have good arguments and issues, there will be WSBA members to support them.

In summary, these Board amendments were not well publicized. They were not well explained. I do not recall any discussion of why there should be an expansion, why their should be appointed rather than elected slots, why the LLLTs or LPOs should have their own slot.

These issues have only been visible recently as Paul Swegle and like minded members of the BOG and the membership have started to question the WSBA governance.

What is the best way for the WSBA to communicate with its members?

It can send out an email. I do read the emails from the WSBA, whether I agree or trust them or not. More importantly, they can send comminations to the Sections and request that such communications be posted on the Section List Serves. I trust my Section officers. I listen to their opinions. And they can publish in the Bar News. I do read the Bar News although I mostly just skim it. But I have picked up requests to comment in the Bar News. And then emailed comments on recent matters such as the new Mandatory Malpractice Task Force and the Referendum Review Process, although I was not aware of the Referendum Review Process until

August 11, 2018

Page 4

already issued majority and minority reports.

The WSBA prime communication methods should be by email to its members and by email to the Sections. I suspect that the number of WSBA members without emails is becoming fewer and fewer but the WSBA can communicate with them by other means.

I do not believe that the WSBA leadership has made any effort to communicate with its members or to explain issues to its members. In fact, I believe that they deliberately have tried to hide their efforts from the members because they knew that if the members really understood their actions, the members would object.

This is a long response to your question. But I think you will find that many members feel as I do. As a woman who was admitted to the bar in 1977 when women were about 3% of the bar nationwide, I can tell you that I felt more respected and consulted by the bar leadership back in the 1980s and 1990s than I do today. In the past 10 years or so, I think the WSBA leadership has gone off the track and just done what it wants. It does not want to hear from its membership because it is probably will not like what it hears.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. A. Cyphers". The signature is fluid and cursive, with a large initial "J" and "A" and a trailing flourish.

J. A. Cyphers
WSBA # 7252

From: Julie Fowler
Date: 3/6/2017 4:24:49 PM
To: 'WSBA Probate & Trust Listserv'; WSBA-Family-Law@yahoogroups.com
Subject: Re: [WSBAPT] Fwd: [WSBA-Family-Law] response to L.L.T expansion



For what it's worth, when I attended the BOG meeting a few months ago, to speak out on the changes the BOG was making, it was pointed out by a few governors that "tagging on to someone else's letter" was not a "real" objection. Therefore, the tagalongs were not considered, despite how many members said they supported letters already written. A few governors said they would only consider individual member contact as legitimate concerns. I spoke out against that snide attitude as well, but ultimately the BOG did what it wanted.

On this issue, given the BOG attitude, I would encourage you to individually reach out, not only to your governor, but to all the governors, and voice your opinion on this issue.

Julie K. Fowler

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~ OFFICE HOURS ~ 9:30 am - 3:30 pm

So Cameron...

I've retired, both from practice and from WSBA work, both because it was time and because of the leadership of WSBA, respectively. It is clearly time for a change within the WSBA. I served on a number of bar committees and it became apparent to me over time that my 'job' was to carry water for the party line. We were tasked with making decisions (about WSBA CLE's) based upon a preset number of options, none of which were really acceptable to any of us. The prior committee was tasked with improvement to CLE and had a staff member direct us to consider outsourcing the work. Strongly. We actually did an RFP, which failed miserably. So, we then developed proposals more in line with our actual feelings, CLE stopped for a bit, then was reactivated with very specific tasks, focused around the new agenda – LLLT, easier access without the necessity of learning measures, etc. I served as Chair twice. The second time did it for me, and I left with a pretty sour taste in my mouth. When you are asked to volunteer your time and bring your experience to the table, that can be rewarding. When you realize you are supposed to present options based upon a master plan somewhat unrelated to what you think might actually work, it is not.

Paula has her agenda. She is close to the Supremes, who periodically issue directives to WSBA which are all amazingly consistent with what she and Steve (and others) want to see happen. She believes we are all dying off, and if we don't add non-lawyers quickly, WSBA will have to shrink and if it does, it will not be able to fulfil its mission to the public. From my perspective, it has a mission to serve the members, and if the members want to do public service, help them do so, not the other way around.

I served on a task force several times as it was reconstituted from time to time to address diversity in the Bar. We met, talked a lot, created yet another report, but

basically did nothing despite good ideas which would have improved things. Nothing happened, other than to convene a task force. Again and again.

By the time I left WSBA 'service', I was both frustrated and angry. Honestly, I've not missed any of it.

Years ago, following the referendum to reduce dues (which I think was stupid, but it was a sign of frustration at the direction of the bar), WSBA was short of money to operate the empire on Fourth Avenue. What to do? Solution: CLE had created an account with close to \$2,000,000 set aside to build a professional CLE center through careful planning. One with parking, office space areas for people who needed to work, etc. Nothing was secret, and clearly the money was WSBA funds; however, when things got tight, Mark Sideman and the COO were 'relieved' and the fund raided for a period of about two years. No CLE activities took place as leadership 'reassessed' the programs. If you wondered how they could operate with the same numbers, now you know.

CLE funds like this belong to the membership, and the Board can do with them as it wishes; however, there was no discussion about plans or needs, just a raid. It happened a number of years prior with Section funds as well when budgets were not followed. Things got interesting when the membership told Paula to stop it in additional referenda, but thus ended the planned CLE program and facility.

CLE would not have built anything without membership knowledge and approval; however, we never got there. The great maw of WSBA just swallowed it up. No one knew, per usual.

I was in Section leadership when Paula went after Section control, and helped push back. Not because of my CLE experience (I wasn't particularly unhappy at that time), but because the proposals were designed to gut the most active and involved part of the WSBA program for members. WSBA backed off and decided to talk with Section leadership, but during that time, WSBA leaders were unresponsive and really uninterested in feedback from Sections. It was pretty amazing.

My solution? It's time for new leadership and a new leadership team.

193

I am now retired, and will let my license lapse next year. That decision was, in no small part, made based upon my experience within WSBA.

Cameron,

You're very welcome. Upon review of my e-mails, I did notice receipt, starting in March, 2018, of Wa. State Bar "News and Updates" that includes (per the footer) "Selected Executive Director and Board of Governor's Communications".

However, after a cursory review of the WSBA's current bylaws, and based on the BOG's prior actions, the WSBA e-mails seem like a shallow pretense for "notice".

As I'm sure you know, amending the WSBA's bylaws requires only a majority vote of the attending BOG members in a special meeting that is called at the discretion of a myriad of potential parties.

The notice is to be posted "at least" five days prior to the meeting on the Bar's website (i.e.. only five days notice is required). Another section has slightly different language, with exception for good cause shown under exceptional circumstances demonstrating an "emergency basis" with affirmative vote by 2/3rd's of the BOG.

One section cynically describes an "Open Meetings Policy except as otherwise provided" including the special meetings and numerous other exceptions.

Petitioning for a referendum of BOG decisions requires the petition to be qualified first - signature by at least 5% of Active membership, then compliance with GR 12 as determined by the same BOG (with no deadline for that review or definition as to what compliance entails), and must be filed and voted on by the Active Membership, all to be done within a strict, apparently random 90 day deadline.. The only purpose I see for the imposed deadline, in combination with all those requirements, is to deter and prevent referendums from succeeding.

In comparing these bylaws to 4-5 other state bar bylaws I quickly reviewed, several things struck me (caveat - 4-5 is hardly a thorough survey):

- 1) Wa. State only requires a majority vote of the "attending BOG" members for an amendment to the bylaws, not a majority of the BOG;
- 2) Wa. States's bylaws provide substantially more exceptions to general rules - to the extent the general rules are the exceptions. The effect is to create loopholes subject to manipulation for desired outcomes, and to skirt transparency.;
- 3) Wa. State's bylaws grant a non-BOG member - the "executive director" - substantial authority, involvement, and control over BOG activities - including the ability to unilaterally schedule special meetings, the requirement she be notified of special meetings, be notified and basically involved in every BOG, executive committee, and related action, authority to determine deadlines for statements accompanying referendums (limited to 750 words), and, the ability to represent the Bar and communicate with the judiciary, elected officials, and the community at large regarding Bar matters and policies established by the BOG without prior approval from the BOG. I in aggressively minimize notice periods for BOG. Also unusual is the need to include "bar staff" in certain BOG related matters. I saw nothing comparable.
- 4) Wa. State's bylaws seem to aggressively minimize notice, and provide opportunity to skirt notice entirely in cases of "emergency". I saw no exceptions for "emergencies" and "catastrophic" circumstances that would permit decisions taken with little or no notice. Those provisions make the bylaws look like a poorly written insurance policy and just creates more opportunity to skirt rules.

Well, I went a little longer than anticipated. My two cents.

Dear Cameron,

First, I want to apologize for not responding sooner to your email. I was focused on some really bad news about one of my sisters and a cancer diagnosis that was quite unexpected. I am now catching up on things and wanted to get back to you. I did manage to talk with my colleagues at the San Juan County Bar Association meeting last Friday, and I have also spoken with them before about the lack of involvement of the members on topics and changes that dramatically affect them. My comments, based on their input and my own observations over the past 38 years as an attorney, are these:

The bar association as a whole does a terrible job of communicating with its members about proposals and issues that affect our members. Committees (whether standing or ad hoc or work group) are given, or originate, an issue to pursue. That issue is not disseminated to the members but is instead discussed in the committee until such time as it is brought to the Board of Governors for an initial report. Two months later, the issue or proposal is then presented to the Board for approval. If it is to then go on to the supreme court, it is published in the proposed rules and only then do members generally become aware of the situation. By that time, it has been months to years in committee, where the committee members are vested in their work, it has been discussed (often too briefly due to time constraints) by the Board of Governors, and then the court has (I presume discussed and revised it before publishing it for comment). Frankly, by then it's too late. There is little recognition in the process of the need to contact the members, most of whom are busy attorneys running their practices, to alert them to the issue or proposal under consideration, give them the salient points that can be quickly scanned, and to ask for their input. As a result of this poor communication, attorneys feel quite understandably that they are ignored and that the bar association does not have their best interests in mind.

Let me know if you have any questions regarding my comments. I will also be attending the workgroup meeting this week by phone so can echo whatever you present. By the way, I am opposed to adding three more positions to the Board. It's too big and too unwieldy as it is.

Hope this helps.

Cameron,

From my perspective being involved in several leadership WSBA positions (former member RPC committee and Professionalism committee, former member of Disciplinary Board and past Disciplinary Board Chair, past Litigation section executive committee member and chair, Civil Rules Task Force member) the WSBA makes great efforts to get the word out and members ignore the communications until the changes are finally made, then scream they were never told. I agree the WSBA could do better outreach, and some of the changes absent input end up being bone headed.

As to how members process, I think until the actual concrete proposal is out there in writing it is hard to get their attention. When that final product comes so late in the game people are offended at the quick timelines to respond. Maybe extending the approval timeline getting drafts earlier and building more time into the process for input after the first reading would be more meaningful to most members.

This is in reaction to your email about "What I need is to hear back from as many Members as possible, about YOUR impressions and experiences with WSBA leadership, management and the process for informing YOU, the Members, about what their Association is up to. To see if it is "working", or if not, what needs to be done to change it."

Briefly, my impressions and experiences with WSBA leadership, management and the process for informing Members about what their Association is: it isn't working.

I assume that this is likely not from lack of trying. I am aware that Bar News is still being published (under a new, sportier name) and I see that there are Minutes + Action Items of long, elaborate processes, kept at <https://www.wsba.org/about-wsba/who-we-are/board-of-governors/board-meeting-minutes>

However, these are not well-constructed for informing me or for giving me the sense that my opinion matters. There is no easy way to search for a particular topic. There are no threaded discussions and no easy mechanism to react to the Minutes or Action items.

Part of the problem may be that Minutes are necessarily organized by the date of the meeting, not by subject matter. Thus, the most significant bit of information on that page is the fact that a meeting was held.

Meetings tend to be collections of many subjects, united only by the happenstance that they were considered on the same date. This is not effective information organization since the most important thing about an issue is the issue itself, not the day on which BOG discusses it.

Interest in the content is greatly decreased because comments are not enabled, creating the (inaccurate) impression that it doesn't matter what I think.

In contrast, threaded discussion fora such as are omnipresent on the internet facilitate informing, discussing and achieving buy-in to superior solutions. A host proposes a topic, e.g. "Shall WSBA Add An Appointed LTTT Member To The BOG"? Proponents, Opponents and Discussants can provide their materials when convenient to them, and all have equal access to the content.

The fora also create institutional memory, since they can be consulted many years later to discover how a particular choice came about. Without such institutional memory, organizations do not function at their best

I hope this is helpful

Cameron and Kit,

I appreciate the opportunity to give my input. I was recently surprised to receive a notice from the WSBA that a task force is considering requiring all persons licensed to practice law in the state to carry professional liability insurance, with few exceptions, such as government lawyers. We were asked for input, but it wasn't clear to whom I should respond. I wondered if there had been a problem with too many lawyers dropping coverage, then committing malpractice. I certainly hadn't heard of such a problem. Personally, I think I should be allowed to practice law part-time, as I do, while not accepting clients myself, but taking only SGAL appointments and serving as arbitrator or mediator. I feel comfortable self insuring, in that regard. And since I've chosen to practice only part time, obtaining malpractice coverage again at what would undoubtedly be a high rate, would probably preclude my continuing to practice in this limited sense. Thanks for allowing my input.

I rarely hear about any decisions prior to them being enacted. My voice is not heard, nor is my input considered. I hear about things at best once there is concrete language, but typically only once we are voting. I have long been of the opinion that the bar does not represent me, and this request for input is actually a good example. The request was forwarded to a listserv that I use, but I would never have heard a word from official channels.

Sorry, rant over. Thanks for the request for input.

Cameron,

Your request for feedback was posted to the Solo Small Firm listserv, and I am pleased someone wants to hear from members.

I echo your surprise at learning, during the late part of that year, that the Governors were about to vote to add non-lawyers to the BOG and to create Bar memberships for non-lawyers as well. I was appalled.

I immediately emailed my Governor, who had just been elected to the BOG a couple months previous, of my opposition to both moves. As an active member of the Bar since July 1978, this was the first I had heard of the notion that non-lawyers should become actual members, and even have a voting role in BOG governance of the one organization I am mandated to support if I want to practice.

But the merits of my opposition are not the focus now. Rather, the information and communication issues are. I contacted my governor the day I first heard of these ideas. The direct response from my governor was to ignore my email.

She then proceeded to vote in favor of the changes, commenting to the effect that while she had received a number of communications in opposition, the changes had been under consideration for years (NB: that was news to me! And I had even taught LLT-qualifying courses at Highline College as late as winter Qtr 2015 – never heard anything about LLTs becoming Bar members or BOG eligible). She said opposition was too little, too late.

We have had LPOs closing real estate transactions for years under the Limited Practice rules established by the Supreme Court, but they were never considered to be eligible for membership in the Bar. That distinction only belongs to those who successfully pass the rigorous Bar Examination.

This move to make LPOs and LLTs members, to add them to the BOG by appointment rather than by winning members' votes, along with other non-lawyers, along with elimination of the members' referendum rights respecting dues, all amount to a massive power play whereby the entrenched top salaried Bar leadership seek permanently to expand their power over the profession. If there were more transparent communication to members, they would have less likelihood of succeeding.

One last thing on adding members of the public to the BOG: I watched the video of the meeting where the BOG put off implementation and to undertake more deliberation on the change.

I was particularly impressed by the testimony of those who stressed how many members of the public have participated in various Bar task forces and commissions. These groups at BOG direction then produced proposals for the BOG to consider and take action or not. The speaker was arguing this involvement justified adding public members to the BOG. But to me, it goes to the exact opposite conclusion: there is ample public involvement and input at the committee, commission and task force level so that the policy making BOG has the benefit of their participation, but ultimately the responsibility is where it belongs: on lawyers in good standing elected to the BOG to make decisions in the interest of the Bar and the public as a whole. Public members do not need to have voting power on our governing board. I would posit that the same is likewise true of limited licensees, both LPOs and LLTs.

Well, I am not arguing for eliminating everything, as some must be, but I DO want the new seats, and the existing at-large seats, to be voted on by membership (and the elimination of just one seat -public member, as I don't believe that lawyers need a public "advocate" on the BOG; our profession has been responsible to the public over many years). In any case, thank you for your reply, and you may certainly share my comments, 198 edited, if you wish, with your colleagues on the BOG.

Agree with Kevin, and I think his suggestion is excellent. The usual "reports" from WSBA are packed with information, much of it of marginal importance. Major changes to the by-laws, like adding "appointed" instead of elected governors, should be by separate notice, not buried in routine minutiae.

I paid attention to the Governance Taskforce activity while it was happening, because it appeared to be an effort to prevent future referendum efforts concerning license fees. However, minutes of Taskforce meetings contained little information about proposals being discussed.

To get more information, I used a public records request to get emails exchanged between the bar staff and members of the Taskforce. However, most of my request was denied on the theory that the emails were on non-WSBA server computers, or on the theory that WSBA counsel attended the meetings, thus making everything privileged.

I very much agree with Kevin, below. Even where there have been momentous changes in Bar practices or governance, I feel like I miss the starting points, because they are buried on BOG agendas or the implications of the changes are unclear. Having regular email updates from my BOG members helps somewhat, but because they are most often focused on reporting back what's been done and not giving background on what's coming, they seem less transparent (and seem to not be happening any more? Haven't gotten one in awhile). Having information that is discreet and accessible in small, digestible amounts is incredibly important to me.

Thank you very much for your service to the Bar! I really appreciate reading your input on the listserve.

For what it's worth, I just got the King County Voter's Pamphlet, and they've been using a format that may be helpful for trying to increase input from people having difficulty justifying the time involved to become fully informed: a proposition, an explanatory statement (shorter), and statements in favor and in opposition.

If they restricted their communications to just one subject per email, I'd be able to see if it's something I'm interested in, and if so, the short format described above would probably lead me to at least read it, and possibly comment on it as well.

Dear Cameron

Thank you for spearheading something that is being sprung on us unsuspecting members. I am sure Paul would be happy to take the lead but I am glad he is getting away. I have no interest in seeing a LLLT, LPO and at large member being appointed to govern us hard working members of the Bar. Frankly, I do not believe they are qualified and I am disappointed that the WSBA would even consider putting someone without a law degree in a position of authority over lawyers. How does that serve us members? I am shocked by some of the leaders of the WSBA who appear to be the elite of the elite and exhibit arrogance of the weak and insecure. The WSBA should serve its members. After all, don't we pay dues for that service? Thank you, Tom

Good morning. I'm that rare animal, a dues paying but not allowed to vote member. Here's my two cents from afar: the Bar leadership has become more insular and at the same time more agenda-driven. The reality is that when you have a mandatory bar, you must act more like a representative of your constituents and less like a member who seeks to implement his or her own vision. I'm sure that there is a middle position somewhere, but there's zero effort to try and persuade the voting bar members of the rightness of a Governor's position. And so, the amendments appear as if dropped from the sky.

"We know we are right and they just don't understand" is not sufficient as a position for a governor in a mandatory bar.

The Bar needs to explain and persuade if it wants to change or expand the mission of the bar but then allow a mechanism for members to disagree such as in initiatives or voting approval in some cases.

Judge [REDACTED]
King County Superior Court

Hello Mr. Fluery,

I've been licensed 21 years and have never sought or reviewed the actions of the WSBA BOG, including reports, and don't recall ever receiving direct communications regarding their actions from the WSBA or my representative.

I first became aware of passage of the bylaws on the family listserve. If I weren't on the listserve, I most likely would remain unaware of it.

I'm fairly certain mine is the common experience.

The WSBA directly communicates with members on licensing related issues only, such as payment of annual fees and CLE requirements. I've only paid attention to direct communications.

In contrast, Information regarding BOG actions require going to the WSBA website. Again, I don't recall a direct communication.

It's inconceivable to me that the BOG would propose passage of bylaws that expand the practice of law to non-lawyers, require members to contribute financial resources for the expansion, and risk significant harm to the general public, with serving direct notice of the proposed changes to individual members, in the same manner as license renewals.

In short, at minimum, any proposed changes that effects the practice of law should be served with substantial notice directly to each individual member. It will otherwise simply not be known about by the vast majority of WSBA members (unless practitioners have separately informed other practitioners).

Hi Cameron,

Until recently, I have viewed most communication from the bar as background noise, especially communications regarding proposals to form a committee to explore the potential to take some action at some time in the future. I am much more likely to pay attention when it looks like something is actually going to happen, which is toward the end of the process.

Sincerely,

To be quite honest, I tuned out until recently most of the stuff from BOG until it comes time for things to be voted on. I am now mostly retired at 78 but intend to keep my license to do one monthly job, collect monthly attorney's fees owing from his clients on permanent disability representation contracts between them and disbarred lawyer Peter Moote. I am required to have a license because L&I has a regulation that to collect pension payments from L&I one must have the monies deposited into an IOLTA! I get paid for the time, so I make a little income each month, but don't have malpractice insurance because I don't need it for what I do, simply collect monies and forward it to the attorney who was granted an assignment for the benefit of creditors by Mr. Moote shortly after he was released from federal prison, when the receivership I ran was closed following a final distribution of moneys to his victims which we had won through settlements with parties who made claims to be secured in the assets of the receivership estate (to which IRS did not object. After that distribution, the victims of Mr. Moote's thefts would have received nothing, as the IRS held a \$400,000 priority claim! (At least I intend to continue doing this work until the BOG decides to forcibly retire me by requiring a \$2500 annual malpractice policy for an annual payment of between \$6,500 and \$8,000.)

After talking with Paul last year several times and learning the extent of the efforts of the then officers and board and of the Exec. Director, I decided to sign on with Paul's effort to return governance to the membership and to support him, even though he represents North Seattle, and I live in South Seattle as divided by the WSBA. I note that I moved my office to Ballard in 2000 and practiced there until I closed my office by turning off my computer, putting in the backseat of my car in January 2015, and driving home.

But I am still very concerned with the governance of WSBA and I have been encouraging Paul to carry out his reform efforts, including, perhaps, going a step further, by making SOME by-laws subject to change only on an affirmative vote of the membership. I think that the by-law changes that create seats on the board should be voted on by the membership if new seats are to be filled other than by the constituency which elects current board members, that is, the general voting membership. I would argue that there should be NO appointed seats at all, including at-large lawyer seats, any seats created for non-lawyer licensees, and even for "public seats," which I strongly oppose, because this is an attorney's organization. I do not object to ONE non-lawyer licensee as a voting board member, as long as that licensee is ELECTED by the attorney and non-attorney licensees voting together.

I would ask you to support a by-law change which eliminates public member seats and changes at-large and non-attorney licensees and requiring a membership vote to approve the change, the by-law itself including a provision that it cannot be changed by affirmative vote of the membership.

Cameon:

I have been contacted by countless members of the WSBA over the last couple of years. The members I have talked to feel that the administration views the membership as simply a funding source for administration projects that are unrelated to the regulation of the profession.

Thank you for your efforts.

Hi Cameron,

I likewise share your view point that the WSBA is pushing ideologies that I do not agree with through an aggressive and reduced process for member feedback and input. Thank you for your voice in bringing this forward. 201

Cameron: I am responding to your email far below. I am a 21 plus year WSBA member, and probably also a "typical" one. I also have some experience actually trying to communicate with the BOG about issues being decided, which led me to seriously doubt whether the BOG cared to listen to its membership.

Several years ago the BOG was considering an amendment to the Rules of Appellate Procedures (RAP) to shorten the window to submit amicus curiae briefs. I appeared before them at a BOG meeting where the rule proposal was up for consideration. Several other lawyers submitted written materials. I had been an appellate lawyer at the state level for more than a decade at the time, both as the lawyer for a party, as well as a regular amicus brief author for media and watchdog group amici, so I knew what I was talking about. I, and many others, told the BOG that its proposed rule change would have left the appellate courts less informed, and denied numerous interested, and impacted, amici the opportunity to inform the state appellate courts before decisions were issued. Despite this being the overwhelming majority view of all those appearing before the BOG and writing to the BOG, the President was prepared to put the proposed RAP up to a vote and seemed to simply ignore all of the input that had been given. A minority BOG member protested, saying the BOG was disregarding what all those who weighed in were saying, and persuaded enough of his colleagues to set the matter over for a later meeting to be re-evaluated. This experience showed me that Bar Leadership really did not want input from its members, and wanted to pass whatever it wanted, and viewed the input of its members as a source of annoyance and distraction, rather than true fact-gathering.

I learn about proposals right before a vote, when someone calls the matter out to me clearly and directly. I do not follow requests for work groups or studies. I find the messaging we are sent by the WSBA Presidents to be press release pitches or white washes rather than true information. I would like something like we see in the Voter Guides – both pros and cons and clear explanations of a proposal rather than what we get now. I was shocked to discover the proposal to add 3 BOG seats to non-lawyers, and vehemently oppose that idea.

I am very disappointed in our state Bar. I do not find it responsive to its members. I do not find it transparent. I know the BOG is a body of volunteers, and I applaud those who step up to the job. But for more than a decade I have felt like the Bar is controlled by staff or hand-picked slates of BOG candidates, and that actual membership input is not sought, heard, and appreciated. I found the effort to overrule the license fee rollback dishonest and disrespectful of members and the referendum process. As a membership organization, where we are forced to be "members" to practice our chosen profession, this organization ought to listen to us more, solicit our input in a meaningful way, and act with the membership's interests front and center, rather than the interests of the governing body or staff of the organization or some outside interest group.

Thank you for asking for our impressions.

Cameron Fleury --

I believe the "long process" for these bylaws was a long "in-house" process which, as a practical matter, did not include the average attorney because we are busy doing our jobs rather than being preoccupied with bar politics.

No doubt those who were very politically active were "in the know" about all the "work groups" or the "task force" or some other committee with its recommendations. But as a practical matter, the average bar member doesn't have time to track every task force or work group set up by the BOG and still do our day-to-day job.

As a result, many of us didn't realize what was going on with the creation of the proposed bylaws until things "hit the fan" when word got around about the practical way in which those bylaws were going to impact us. When we realized the impact, some of us felt that too much power was being vested at the top while the average Joe or Jane bar member was losing a voice in our own bar association.

For example, it now makes me very uncomfortable to have these new BOG positions be "appointments" rather than positions which are voted on by the bar members. If the voice of the bar members are cut out of the process, who is that power being vested in to make the appointments? Is it really wise to have more and more power vested at the top? Or in the long run, will that disenfranchise the average bar member?

202

With great concern,

Dear Cameron,

Thank you for asking for feedback. I agree with your summary below:

Even after I read the Bar's "Interim Governance Report", and the final "Governance Report" a few years back, I wasn't aware of any effects it could have on me personally as a Member of the Bar. It only became clear to me that something seriously wrong when the Proposed Bylaws Amendments, rolled out during the Holidays a couple years ago, that I became aware that incredibly important, and in my opinion, horrible, changes were happening in the WSBA and became involved.

We WSBA members are extremely busy, especially at the end of the calendar year. That is a very bad time to send us something requiring careful thought and asking us to provide input. (Summer is another really bad time.)

Lengthy e-mails during the process are also a problem, unless there is a concise "executive summary" at the beginning telling us why this is important and what is needed from us. If that grabs our attention, we can print and read the longer e-mail.

I do suspect it was intentional to send the substantive changes out during the holiday season and then pass them shortly thereafter. That certainly looks like an attempt to slip something by the members without stirring up opposition. If that is NOT the intent, they should be sent out at a different time of year, with longer lead time.

I also do not recall hearing anything about these changes during the "four years" they were supposedly considering them. If they ever sent out information about this, it was not sent in a way to grab attention.

I personally receive hundreds of e-mails every day, and by necessity, I delete many of them after only a cursory look. (I am sure there are hundreds, if not thousands, of WSBA members who do the same thing.) If there is something important in an e-mail from WSBA, they need to say so up front and succinctly.

Thank you for considering my comments.

Cameron,

Like you, I first became aware of the significance of those changes during the Holidays. I was fortunate enough to have the ability to evaluate them at that time. But the other members of the Animal Law Section's Executive Committee (and no doubt members generally) were too busy with their busy end-of-year schedules to pay attention.

As you know there are constantly BOG and other WSBA meetings, work groups, studies, proposals and hundreds of pages of written materials produced throughout the year. It is literally impossible for any practicing lawyer to track and evaluate everything the BOG and WSBA is doing until relevant matters reach end-stage development, at which time I expect the BOG and WSBA management to notify members and allow them a genuine opportunity to provide feedback that impacts the decision making. 203

Thanks for asking!

Thanks, Cameron.

For what it's worth, Steve Crossland came up with the LLLT idea years ago believing (as Paula does) that her projections of a massive die off will dry up funding for WSBA. As you are aware, that did not occur, but Paula served a lot of cool aid in WSBA circles.

I think the idea of adding equal status non lawyers to a professional organization of lawyers is hair brained. As advisors or non voting members perhaps, but not as voting members who can decide how lawyers must practice law. I also think new lawyers need not to have to compete with essentially untrained non lawyers who have no limit on fees for the limited available business. The idea that glorified paralegals are skilled enough to practice law is scary from a consumer protection standpoint as well. Good lawyers really don't become 'good' absent about 30 years of study.

This, to me, is about poor lawyers for poor people. 'Training' paralegals to practice law may add to the ranks of dues paying members, but it avoids the real problem, which is how to provide quality legal services to those with limited means. That takes money and a willingness to tackle the real issue.

Putting citizens on our voting board makes even less sense. At least the paralegals know what happens in a practice. Those outside our work have no way to understand.

WSBA is (or was) an organization of and for lawyers. The Supremes regulate the practice. WSBA enhances it. That is not the direction we are moving, and the membership really has very little input. Sections make it work, yet they were the first target. When asked about LLLT's, bar members very clearly said no, but Paula blew that off as protectionism. I fear she fails to recognize what her members really fear. Lawyers don't care about protectionism. They care about professionalism and quality.

Cameron –

Your email was forwarded to me. Your recitation of the events resonated with me. I consider myself to be a fairly active member of the WSBA; I've been a member of the executive committee of the Corporate Counsel Section for at least a dozen years. Nevertheless, the bylaw changes that would further dilute the democratic governance of the bar association came as a complete surprise to me.

Why these matters weren't a cover story in the Northwest Bar News (or whatever our magazine is now called) is beyond me. They weren't mentioned in any of the Presidents' columns either.

I do not know why there are or should be **any** appointed positions to the BOG. I appreciate the benefits of diversity in the deliberative process; there certainly could be a place for stated liaisons with the Young Lawyers' Division, LLLTs and bar associations represented underrepresented minorities. This doesn't mean that these groups should be granted disproportionate **voting** power by fiat.

There are over 38,000 attorney members in the WSBA; my understanding is that there are fewer than a hundred LLLTs. I have no inkling why LLLTs should be so overrepresented in voting power in what is ostensibly a democratic organization.

Please let me know if I can be of further help to you.

The WSBA should have announced this in the monthly bar magazine with updates. I have several strong thoughts about the bar and its leadership or lack thereof for the last several years. I am willing to discuss with you further if you are interested.

Hello Mr. Fluery,

I've been licensed 21 years and have never sought or reviewed the actions of the WSBA BOG, including reports, and don't recall ever receiving direct communications regarding their actions from the WSBA or my representative.

I first became aware of passage of the bylaws on the family listserv. If I weren't on the listserv, I most likely would remain unaware of it.

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In contrast, information regarding BOG actions require going to the WSBA website. Again, I don't recall a direct communication.

It's inconceivable to me that the BOG would propose passage of bylaws that expand the practice of law to non-lawyers, require members to contribute financial resources for the expansion, and risk significant harm to the general public, with serving direct notice of the proposed changes to individual members, in the same manner as license renewals.

In short, at minimum, any proposed changes that effects the practice of law should be served with substantial notice directly to each individual member. It will otherwise simply not be known about by the vast majority of WSBA members (unless practitioners have separately informed other practitioners).

In the early days of my four membership I volunteered for him participated in committees.

While I was in house at a big accounting firm in Seattle, I got pushback as they couldn't imagine why I would want to participate on, for instance, the civil rights committee. Eventually, I was invited off of that committee.

It appears to the independent and conservative thinkers that the WSBA is only focused on the far left liberal agenda. It is at that point that I stopped paying close attention to the workings of the bar, as it clearly was not focused on advancing the law and the perception of lawyers in Washington.

I have no idea what kinds of communications the bar may have attempted to send me. It is only through Paul's email communications that I have become aware of the unfortunate lows the bar has now hit. It makes me sick that I am mandated to belong to such poor performing and unfair organization.

Like you, my sense of the recent amendments is not that it was a 4 year process, but that they were sprung relatively recently. In fact, I feel grateful to Paul Swegle for making me aware of them. It seems to me that members should have a pretty straight-forward and easy way to understand summary of proposed amendments from the very beginning. So, the communication was really not very good. Perhaps that could avoid some of the misunderstanding that occurred from this.

BTW, I have a close friend who is one of the new LLLTs. She came from a 25 year career as a family law paralegal, and I applaud this new means of providing limited legal services to the population at large, and in a financially more approachable manner. We should make it easy for them to have a seat on the Board, not difficult. This business of either not giving them representation, or making them run a campaign across the entire Bar, seems silly to me.

Poorly and with snap judgments. Tweets basically.

In all seriousness for me at least I ignore WSBA amendments and plans. I'm a new attorney at 8 years so in part I just personally don't know that I have much to offer that isn't already offered on most issues. Similarly, I, like most probably, have a lot going on. "Proposed" changes don't feel like they're worth my time in the hope that if there is a bad idea that the better experienced folks looking at the proposal solves those issues before I even need to be concerned with it.

Also I am entirely aware my position doesn't survive intellectual scrutiny. Particularly, given the relatively small size of the WSBA and the

Let's face it – most WSBA members ignore the WSBA.

It's leadership is, in my opinion, insular and out of touch with its members.

Most WSBA members are focused on their practice, their clients, making a living and their families.

Many WSBA members who are at larger law firms likely have no interaction with or knowledge of WSBA because their membership fees are taken care of by the firm (satisfying CLE requirements being their only contact point).

My sense is that a good number of those involved in WSBA are “climbing the ladder” or are interested in pushing their own private policy positions.

All of us are required to be members of WSBA but the leadership feels distant and focused on issues that are unrelated to our lives and concerns.

So, it should be of no surprise to the leadership that few (almost none?) of the members focuses on their proposals until they are “ready” for adoption.

A related problem is that the persons working on the projects or proposals are not reflective of the membership at large. Through various committees and the like, the participants are “self selecting” and, by that very process, are typically unrepresentative of the membership at large.

The challenge for leadership is to promote engagement earlier in the process – the issue is how to do that? I don't have answers. I'm just providing the feedback you requested.

**WASHINGTON STATE
BAR ASSOCIATION**

**Exhibit F
Report on Timeline of New
Governor Bylaws**

Draft Memo for ANG Workgroup:

From: Brian Tollefson, Sixth District Governor

Assignment:

4. Time frame of prior passage: Simply a chronological history of how the new governor bylaws came to be passed; governance task force, by law drafting task force, time line of when members were told of the content of the bylaws and their passage.

Response: This timeline was derived from reviewing the materials posted at the ANG Workgroup website: <https://www.wsba.org/connect-serve/committees-boards-other-groups/addition-of-new-governors-work-group/materials>

1. Sept.21, 2012: GOVERNANCE TASK FORCE (“GTF”) CHARTER was approved by the Board of Governors. The only reference in the Charter to the addition of new governors was this provision: “WSBA overall governance, including but not limited to structure of representation. . . .”
2. April 3, 2014: The “Second Interim Report” of the GTF dated, at pages 15 – 16, contained a recommendation to add the new BOG members while at the same time recommending a reduction in elected BOG members:

“Recommendation: Current elected positions on the Board of Governors should be reduced to nine to allow for the inclusion of two public, non-attorney members and one LPO / LLLT member. These latter three members would be appointed by the Supreme Court. The three current “at-large” positions should be retained to ensure participation by a young lawyer and members that reflect historically under-represented groups. This would provide for a Board of 15 persons, one of which would be the President.”

3. June 5, 2014: The BOG formed the Governance Work Group (“GWG”) to direct Board discussion and prepare the BOG response to the Governance Task Force report.
4. June 24, 2014: the GTF issues its Final Report, which includes recommendation to add the new BOG members: “Recommendation: Two public, non-attorney members and one LPO / LLLT member should be added to the Board of Governors. These three members should be appointed by the Supreme Court.” A five paragraph justification for the addition was set forth as well.
5. July 25, 2014: A brief reference to the Final Report was mentioned in the week’s on-line “Take Note.” Members were advised that the Report had been “issued by the Governance Task Force;” that the “Board is now seeking member input on the contents of the report; and that members should “Email your input to governance@wsba.org.”
6. November 14, 2014: The WSBA Board of Governors in public session discusses the addition of the three new governors in open meeting. The issue was framed this way: “Should we allow for the inclusion of two public, non-attorney members and an LPO/LLLT member?”

7. January 22-23, 2015: The WSBA Board of Governors in public session further discusses the addition of the three new governors.
8. March 19, 2015: The WSBA Board of Governors in public session continues discussion of the inclusion of two public, non-attorney members and an LPO/LLLT member.
9. June 12, 2015: Brief mention of the inclusion of two public, non-attorney members during the WSBA Board of Governors public session. The focus of the discussion was on these proposed member's voting rights.
10. July 25, 2015: the GWG presents to the BOG a first reading of the draft proposed BOG responses to the GTF recommendations in a report entitled "Leadership for Today and Tomorrow."
11. Aug. 20, 2015: Bylaws Work Group ("BWG") formed by then WSBA President Anthony Gipe.
12. September 17, 2015: The BOG votes to approve the report entitled "Leadership for Today and Tomorrow," with a section of this report addressing the inclusion of two public, non-attorney members and an LPO/LLLT member in a 96-word response.¹
13. February 11, 2016: First mention in BWG minutes of bylaws for inclusion of two public, non-attorney members and an LPO/LLLT member.
14. June 2, 2016: Continued discussion in BWG minutes of bylaw draft for inclusion of two public, non-attorney members and an LPO/LLLT member.
15. June 2-3, 2016 BOG public meeting: Chair A. Gipe updates the BOG on BWG Bylaw amendments and asks for clarification: "Chair Gipe asked for clarification regarding whether it was the intent of the Board that LLLTs could run for district seats It was the consensus of the Board that it was not its intention that LLLTs run for District seats."
16. July 14, 2016: More discussion in BWG minutes of bylaw draft for inclusion of two public, non-attorney members and an LPO/LLLT member. In addition it is announced in the BWG minutes that the BOG will hold a special meeting on August 23, 2016, to consider the bylaw amendments.
17. August 8, 2016: Continued discussion at the BWG of inclusion of new governors, and the BWG votes to recommended alternate versions of the bylaws regarding election and appointment of the new Governor positions to be presented to the BOG for consideration.
18. August 16, 2016: Proposed WSBA Bylaw changes posted to WSBA's website.
19. August 18, 2016: Notice of BOG Special Meeting given via WSBA's website.
20. August 23, 2016: The BWG first reading of proposed amendments to the WSBA Bylaws given at the BOG's special public meeting. The three versions of the proposed amendments affecting

¹ "Recognizing the WSBA's responsibility to protect the public and further cognizant of best practices followed by other bar associations, the BOG agrees with the Task Force recommendation that three public members should be chosen for service on the BOG. They should be chosen from a group of nominees from the general public and limited license professionals. The potential members should be vetted and nominated by the existing BOG Nomination Review Committee with input from the limited license professionals. Nominees would then be reviewed and approved by the BOG for submission to the Supreme Court for appointment."

inclusion of new governors are discussed by BWG Chair Anthony Gipe. ²The BWG continues to meet.

21. Sept. 11, 2016: WSBA website announcement of **Town Hall Discussion** to be held Wednesday, Sept. 14, 4–5:30 p.m. at the WSBA Conference Center, 1325 Fourth Ave., Seattle. The announcement mentioned that the Webcast available was available and there was a link to join that would be will be available on this page on Sept. 14.
22. Sept. 25, 2016: The BWG website announces anticipated bylaw action at the Sept. 29-30, 2016 Board meeting
23. Sept. 30, 2016: Board of Governors Final Action regarding inclusion of of two public, non-attorney members and an LPO/LLLT member. In summary: Art. IV – Approved as amended 13-1; Art. V – Approved unanimous; Art. VI – Approved as amended; unanimous.

A chronological listing of the governance history has been captured in an Excel spreadsheet by WSBA staff and can be found on the ANG WORK GROUP MATERIALS website here:

https://www.wsba.org/docs/default-source/legal-community/committees/addition-of-new-governors-work-group/timeline-of-task-force-and-work-groups.xlsx?sfvrsn=138506f1_4

Timeline

2012		2013		2014		2015			2016		
20-Sep	4-Jun	3-Apr	5-Jun	24-Jun	25-Jul	17-Sep	1-Oct	23-Aug	30-Sep	18-Nov	
Governance Task Force (GTF)	GTF First Interim Report	GTF Second Interim Report	Governance Work Group	GTF Final Report	Governance Work Group First Reading	Governance Work Group Final Report	Bylaws Review Work Group	Bylaws Work Group First Reading of Proposed Bylaws	Bylaws Work Group Proposed Bylaws Adopted	Section's Work Group Proposed Art. XI	
<i>The Board of Governors approved the Charter and Roster for an independent governance task force(GTF).</i>	<i>The task force reports on areas it has identified for analysis, a plan of action, including soliciting input and feedback from multiple stakeholders.</i>	<i>The second report focuses on issues and recommendations concerning the Supreme Court and WSBA; the BOG and WSBA; Organization and Selection of the Board; and the State Bar Act.</i>	<i>The BOG formed the Governance Work Group to direct Board discussion and prepare the BOG response to the Governance Task Force report.</i>	<i>The task force issues its final Report and Recommendations.</i>	<i>The work group presented the draft proposed BOG responses to the GTF recommendations in a report titled, "Leadership for Today and Tomorrow."</i>	<i>The work group presented the final report "Leadership for Today and Tomorrow."</i> Member comments were also included with the BOG materials.	<i>BOG President Anthony Gipe formed the Bylaws Review Work Group to draft changes to the bylaws to implement the GTF recommendations adopted by the Board in September.</i>	<i>The Bylaws Work Group's first reading of proposed amendments to the Bylaws.</i>	<i>The BOG adopts amendments to the Bylaws, except for Art. VIII, XI, XIV.</i>	<i>BOG consideration of amended Art. XI tabled to January 2017 meeting.</i>	

²Chair Gipe explained that three versions of Article IV are being presented since Article IV is tied to Article VI on elections and addition of new members on the Board. Version 1, recommended by the Bylaws Work Group, suggests that all three proposed at-large positions be elected by the Board; version 2, recommended by the Governance Task Force, suggests all three at-large positions be appointed by the Washington Supreme Court; and version 3, recommended by the BOG Executive Committee, suggests a compromise of versions 1 and 2, which would entail the LLLT/LPO at-large members be elected by the Board, and the public at-large members be nominated by the Board and appointed by the Supreme Court . He asked that comments be sent to him and to General Counsel McElroy.

**WASHINGTON STATE
BAR ASSOCIATION**

**Exhibit G
Addition of New Governors
Workgroup Roster**

NAME/ADDRESS	POSITION	TELEPHONE/E-MAIL
BRIDGES, Dan W. McGaughey Bridges Dunlap PLLC 3131 Western Avenue Seattle, WA 98121	Co-Chair Dist. 9	DanBOG@mcbdlaw.com 425.462.4000 (o) 425.637.9638 (f)
STEPHENS, Alec Alec Stephens Consulting 5718 55th Avenue South Seattle, WA 98118	Co-Chair Governor At-Large (B)	alecstephensjr@gmail.com 206.941.5690 (o)
CLARK, Daniel D. Yakima County Prosecuting Attorney Corporate Counsel Division 128 North Second St, Rm 211 Yakima, WA 98901	Governor Dist. 4	DanClarkBOG@yahoo.com 509.574.1207 (o) 509.574.1201 (f)
TOLLEFSON, Brian PO Box 7031 Tacoma, WA 98417	Governor Dist. 6	bhmtollefson@outlook.com 253.389.0071
HUNTER, Kim E. Law Offices of Kim E. Hunter, PLLC 13036 SE Kent Kangley Road #455 Kent, WA 98030	Governor Dist. 8	kim@khunterlaw.com 253.709.5050 (o) 253.397.3520 (f)
DOANE, James K. Costco Wholesale Corporation 999 Lake Drive Issaquah, WA 98027	Governor Dist. 7S	jamesdoane@me.com 425.427.7194 (o) 425.313.8114 (f)
KANG, Jean Y. Smith Freed Eberhard PC 705 Second Avenue, Suite 1700 Seattle, WA 98104	Governor At-Large (New & Young Lawyers)	jeankang.wsba.bog@gmail.com 206.576.7575 (o) 206.576.7580 (f)
ZALL, Barnaby 685 Spring St Friday Harbor, WA 98250-8058	WSBA Member At-Large	bzall@aol.com 360.378.6600 (o) 360.539.5358 (f)
FLEURY, Cameron J. McGavick Graves PS 1102 Broadway Ste 500 Tacoma, WA 98402-3534	WSBA Member At-Large	cjf@mcgavick.com (253) 627-1181(o) (253) 627-2247 (f)

NAME/ADDRESS	POSITION	TELEPHONE/E-MAIL
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The Addition of New Governors Work Group was approved by the Board of Governors on May 17-18, 2018.

**WASHINGTON STATE
BAR ASSOCIATION**

**Exhibit H
LPO Survey Results**

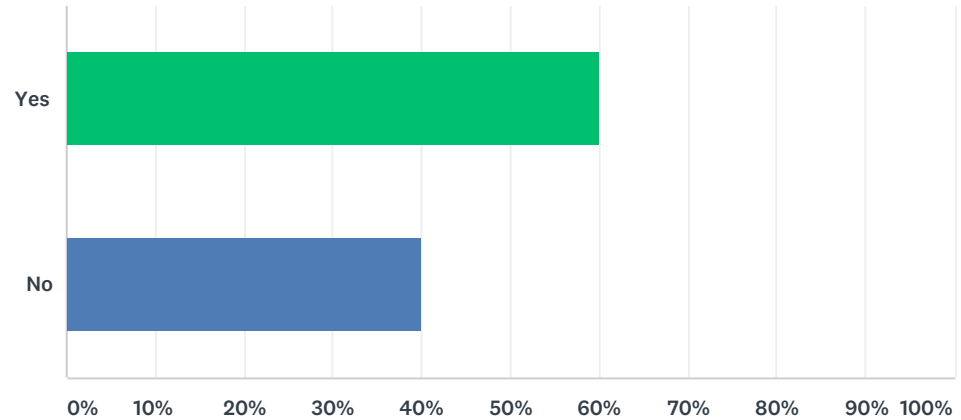
Q1 What is the approximate year you obtained your LPO?

Answered: 15 Skipped: 0

#	RESPONSES	DATE
1	1994	7/24/2018 10:25 AM
2	2017	7/17/2018 2:55 PM
3	2003	7/17/2018 1:59 PM
4	1993	7/17/2018 1:59 PM
5	2014	7/17/2018 1:56 PM
6	1991	7/17/2018 11:19 AM
7	2017	7/16/2018 5:30 PM
8	1990	7/16/2018 5:19 PM
9	1998	7/16/2018 4:37 PM
10	2004	7/16/2018 3:58 PM
11	1994	7/16/2018 3:56 PM
12	2001	7/16/2018 3:52 PM
13	2000	7/16/2018 3:48 PM
14	2004	7/16/2018 3:48 PM
15	2004	7/16/2018 3:48 PM

Q2 Do you find value in your Washington State Bar Association Membership?

Answered: 15 Skipped: 0

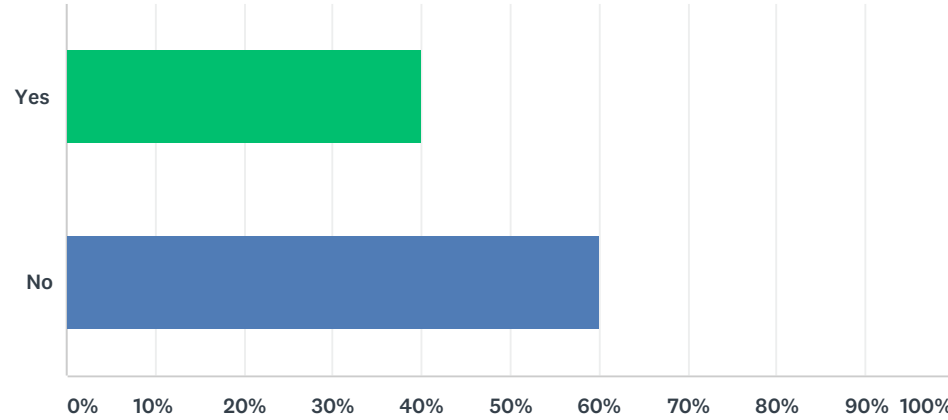


ANSWER CHOICES	RESPONSES	
Yes	60.00%	9
No	40.00%	6
TOTAL		15

#	OTHER (PLEASE SPECIFY)	DATE
1	I have found some good information and I like the access to documents and other information they have	7/16/2018 5:30 PM
2	No real value so far but it does appear that the WSBA has included the LPO's access to more resources recently.	7/16/2018 3:48 PM

Q3 Have you ever used the Bar's resources?

Answered: 15 Skipped: 0

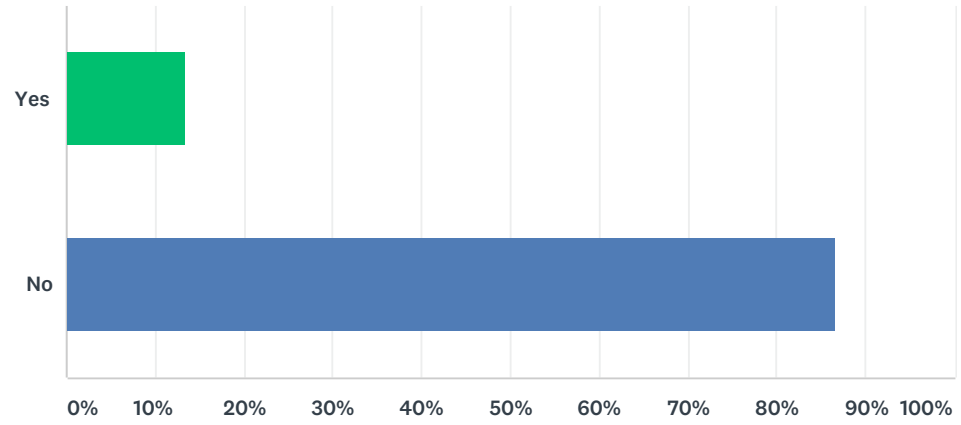


ANSWER CHOICES	RESPONSES	
Yes	40.00%	6
No	60.00%	9
TOTAL		15

#	OTHER (PLEASE SPECIFY)	DATE
1	LPO forms	7/17/2018 1:59 PM
2	approved docs links et cetera	7/16/2018 3:52 PM

Q4 Have you ever used any of your membership benefits?

Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	13.33% 2
No	86.67% 13
TOTAL	15

#	OTHER (PLEASE SPECIFY)	DATE
1	not yet	7/17/2018 1:56 PM
2	Not yet!	7/16/2018 5:30 PM
3	discounts of courses	7/16/2018 3:52 PM

Q5 Any additional comments on the WSBA, and your membership as an LPO?

Answered: 15 Skipped: 0

#	RESPONSES	DATE
1	No	7/24/2018 10:25 AM
2	NA	7/17/2018 2:55 PM
3	No	7/17/2018 1:59 PM
4	no	7/17/2018 1:59 PM
5	none	7/17/2018 1:56 PM
6	None	7/17/2018 11:19 AM
7	I know this will sound silly but I feel a strong sense of pride with my membership. It took a lot of studying and hard work to get there and I feel as though that is kind of our reward.	7/16/2018 5:30 PM
8	no	7/16/2018 5:19 PM
9	no	7/16/2018 4:37 PM
10	no	7/16/2018 3:58 PM
11	no	7/16/2018 3:56 PM
12	no thank you	7/16/2018 3:52 PM
13	I do like the new ceu reporting structure that is going in to place, earning the 30 hours in 3 years.	7/16/2018 3:48 PM
14	No	7/16/2018 3:48 PM
15	none	7/16/2018 3:48 PM

**WASHINGTON STATE
BAR ASSOCIATION**

**Exhibit I
Workgroup Notes**

SUMMARY & COMPILATION OF NEW GOVERNORS WORKGROUP MATERIALS

Given the Court's October 21, 2019 order on bylaws, herein is summarized the work product of the New Governors Workgroup relating to the bylaw amendments being considered by the BoG which were stayed by the Court's 2018 order. The workgroup itself did not come to a final conclusion as its work was halted as an indirect effect of a 2018 WA Supreme Court order; however, it was not in the mandate of the workgroup to make a final conclusion but just to gather information and materials.

On the last day of their term, the 2016 Board voted to amend WSBA's bylaws to increase the Board's size by three Governors, over a very short (3-day) notice of a public forum on the issue, and the objection of many member comments including a letter from three Governors-elect: Bridges, Majumdar, and Meserve (**Exhibit A**).

In 2018, a subsequent Board expressed its intention to repeal that amendment. In particular, on enlarging the size of the Board, the Board respectfully but firmly expressed opposition to that idea as less manageable and efficient. Before the Court directed the Board of Governors to pass no further by-law amendments, the Board was favorably discussing an amendment to permit LLLTs and LPOs to join the Board, but to roll-back the creation of new Governorships. It was anticipated that would have passed if not stayed by this Court. It is material that the proposed amendments did *not* limit the number of LLLTs or LPOs who could serve at any one time. The amendment passed in 2016 limited them to only one.

Not while sitting as the Court, but during this Board's annual meeting with Justices in 2018, this issue was discussed and it was said the Board could reexamine the issue and communicate to the Court why it no longer wanted to increase the size of the Board.

To effectuate that, the Board created a Workgroup to study the issue. After the work was done but before a report could be issued, the Court ordered the Board to stay further bylaw amendments. The WSBA President at the time ordered the Workgroup be suspended. That was not without objection. Governors indicated the Workgroup should complete its work and issue a report because that would not violate the Court's bylaw freeze; a report is not a bylaw amendment. Regardless, the President stopped the Workgroup.

Thus, the New Governor Workgroup was created to study the issue in detail and report back for a final vote.

The workgroup's investigation found the following items; as an overview.

1. The cost of a Governor is material. The amount varies given geography but *the anticipated cost of adding 3 new Governorships is no less than approximately \$27,000 a year*. The actual cost is higher.
2. The Board is already too large. It is established in peer reviewed literature *the optimal size for a Board such as WSBA is 10 members inclusive of officers*. *The Board has 17*

members; 14 Governors and 3 Officers (President, President-elect, and Past-president).¹ The Board is already too large and its size a hinderance in some respects. Increasing the Board's size will make those challenges worse.

3. To the extent some people assert WSBA would benefit from public input, WSBA *already has* significant public involvement on key Boards and committees and are often appointed to Workgroups that are public facing. Those are the most outwardly facing public presence and better effectuate public input on matters directly affecting the public as opposed to sitting on the Board of Governors whose primary functions are technical and involve understanding the legal system: interfacing with legal practitioners, the legislature, and the Court; providing for the needs of the members; ensuring the WSBA is able to regulate the practice of law and supervising its Executive Director; and making recommendations on Court Rules.
4. The method of passage of the those bylaws was irregular procedurally, made on faulty legal assumptions, and rushed through over significant objections. The intention of the original proposal to add 3 new appointed members cannot be ignored because it came with the added proposal that the number of *elected* Governors be *reduced* by 2. If passed, that would have yielded a 5 vote swing on the Board as between elected and appointed Governors. The result of the proposal would be to diminish the membership's ability through directly elected representatives to have an impact on the direction of WSBA.
5. The New Governor Workgroup included 2 public members, an LLLT, and 2 LPOs. When the Court stayed further amendments the Workgroup had *already* been working and meeting for months. The result was hundreds of pages of research and member responses, dwarfing any analysis or materials provided by the prior Governance Task Force that recommended adding three additional Governors. The New Governor Workgroup considered issues far broader than the Governance Task Force.

This review attempts to preserve materials and information that arose in the Workgroup's research. The raw work product, reports and information compiled by the Workgroup members is attached.

II. The Board Is Already Too Large

ABA recommendations on the appropriate size of governing Boards range between 7 to 15 members *inclusive of officers*. However, of those sources *only one* suggests 15 *might* be appropriate. The other four ABA sources recommend a minimum of 7 with a maximum of 12. Again, *inclusive of officers*. The recommended sweet spot appears to be 10, *inclusive of officers*. The WSBA Board already has 17. Adding three will bring our number to 20.

The negative consequences of too large a Board are well documented in the literature and identified in detail at **Exhibit B**. They include but are not limited to: (1) communication breakdowns between Board members; (2) "free riders" emerge because in a large group it is easier to ride the coat-tails of others doing the majority of the work; and worse of all (3) it becomes *highly*

¹ Ignoring vacancies or other outlier situations.

impractical if not impossible for too large a Board to discharge its fiduciary duty of oversight. From the Hastings Law Journal cited in the Workgroup report at **Exhibit B**, page 3:

...disengaged and unwieldy Boards simply transfer power to the CEO and other staff, who manage the organization without effective oversight. On a smaller Board, however, the CEO must work with engaged directors who hold him or her accountable through regular meetings... In short, these small-Board dynamics increase the productivity and cohesion of the Board, making it more efficient, effective, and collegial.

Clearly there are some who *prefer* the Board of Governors, in the words of the Hastings Law Journal, “transfer power to the (ED) and other staff... without effective oversight.” That is how this Board functioned in the not distant past. However, the 2018-2019 Board clearly rejected that philosophy: It is contrary to basic concepts of proper Board governance and contradicts our long-standing bylaws.

The Board at all times acknowledged it must be respectful of the role of the staff and maintain strict firewalls where provided by Court Rule. However, a Board of Governors too large to function provides no oversight in which event the authority of the WSBA resides in the hands of one person: the Executive Director. The Court is without the time or means to meaningfully supervise the day-to-day affairs of the WSBA. If the Board does not exercise oversight, there is no oversight. That is not acceptable.

Other disadvantages documented in the literature at **Exhibit B** are longer meetings, an inability to reach consensus, a more glacial pace to accomplish goals, the disenfranchisement of some Board members, the formation of cliques, a lack of Board accountability, the ability of some members to take extreme positions to value display knowing their vote will not affect the outcome, difficulty holding meetings due to the number of schedules, and difficulty having meaningful conversations and colloquy to problem solve by the challenge of balancing the desires of too many people attempting to speak.

The Board of Governors has suffered all those problems with 17 members as it exists now. There may be other causes at play however without question the size of the Board is a substantial factor, consistent with the weight of the literature. Adding 3 more Governors will make the Board number 20 and can only make those challenges worse.

It is acknowledged some Bar Associations function with a very large Board. However, they function more like a house of representatives than a Board with governance oversight as the WSBA does. For instance, Texas has a Board of 46 members plus 14 *ex officio* non-voting members. But, it meets only three times a year and does not have the responsibilities of our Board.

https://www.texasbar.com/AM/Template.cfm?Section=Board_of_Directors&Template=/CM/HTMLDisplay.cfm&ContentID=38121.

It is significant that even the Governance Task Force report which was the impetus to add Governorships recommended the number of Governors be *reduced* by two to not unduly increase the size of the Board as adding 3 would make the Board too large.

III. WSBA Already Has Substantial Public Involvement

The work of the Board of Governors is technical. Its primary tasks are to consider and pass a budget, evaluate and oversee the Executive Director, vote to approve proposed Court Rules, and advise the Court, the public and the Legislature on matters related to the law.

The most meaningful work of WSBA that is public facing is done by its Boards, committees, and Workgroups. All the following, key WSBA Boards *already have* voting, public members:

1. Access to Justice Board;
2. Practice of Law Board;
3. Character and Fitness Board;
4. Client Protection Fund Board;
5. Council on Public Defense;
6. Discipline Advisory Roundtable;
7. Disciplinary Board;
8. Limited Practice Board;
9. LLLT Board;
10. MCLE Board; and
11. Pro Bono and Public Service Committee.

Those are just the Boards WSBA administers directly and which feed information and feedback directly to the Board of Governors. A variety of WSBA sections also have public members on their Boards. Additionally, WSBA *routinely* appoints public members to Workgroups and tasks forces.

In the last several years, WSBA has had 43 public members serving on those outwardly facing Boards and committees. More are added as programs expand. If public input is desired, WSBA already has an abundance of it. **Exhibit C.**

IV. Public Members Are Not Typically On Technical Boards

The New Governor Workgroup had two public members. One served in a long-time capacity as either a CFO or related job in at variety of hospitals and had years (decades) of experience working with Boards.

That person, Ron Oldfield, explained hospitals routinely have public members on Boards that address fund raising and public presence. However, they essentially universally do *not* have public members on their technical, governing Boards of the institutions themselves. As he explained it, public members are recruited to sit on Boards for their access to raising funds or communications outward to the public but do not have the technical knowledge to meaningfully contribute to decisions on how health care is delivered or the standards hospitals follow on either staff or procedures.

The Workgroup solicited input from a member of the Oregon Bar Board of Governors whose Board at the time had a public member. That individual said they found the input of their public member of assistance.

However, unlike the 2016 WSBA bylaw amendment to seat public members, Oregon's bylaws provide specific criteria requiring that any public member be selected to meet "the current needs of the Board." (Oregon State Bar Bylaws, 2.3000). The WSBA bylaw imposes no criteria: any person, friend, or ally may be appointed.

The Oregon Governor who presented to the Workgroup explained that Oregon applies its bylaw to require public members have unique technical expertise to supplement advice to the Board. The Oregon public member at the time the Workgroup met was the Global Data Privacy Officer for Siemens corporation. Past Oregon public members have been CPAs or held degrees in technical fields the Board would benefit from.

Also notable, Oregon's bylaws do *not require* that any public member be seated. That Board is allowed to determine at any one time if it wants a public member to fill a specific need.

It is within *that* context Oregon says it has had success with its public member, *not on matters relating to general governance or the practice of law*.

Finally, it was noted that it presented a somewhat loaded question to ask a sitting member of Oregon's Board to comment on whether they believed its current public member was a help or a hinderance; on a human level it is not expected a Board member would be overtly critical in that context.

V. The Cost Of Adding New Governors Is Material

A detailed analysis of the cost of a Governor was conducted by considering both the direct reimbursements for travel and related expenses and fixed costs. A breakdown of that is at **Exhibit D**.

The cost of a Governor is determined by two primary factors: geography and time on the Board. The cost of Geography speaks for itself. WSBA reimburses plane fare, hotel costs, and other expenses for Governors traveling from about any location over two hours. Even Governors living on the west side create expenses; given the location of Congressional districts only 3 or 4 Governors live a reasonable drive from Seattle.

The factor of time on the Board impacts a Governor's involvement. As a Governor progresses, they take on more responsibilities and have more duties. Thus, their need to attend meetings at WSBA and throughout the state increases.

The materials at **Exhibit D** provide a detailed discussion and demonstrate the median yearly cost of a Governor is approximately \$9,000 a year (disregarding a Seattle based Governor who did not ask for a single reimbursement for three years). A first year Governor will cost less. A third year Governor will cost more. A Governor from Spokane typically costs WSBA no less than \$11,000.

Thus, to add 3 new Governorships will cost approximately \$27,000 a year. *However note:* attorney/Governors do not seek reimbursement of all reimbursable costs. Many see those expenses as a part of their service to their profession. It is anticipated a public member would seek a higher level of reimbursement thus their costs would be higher.

However, even the \$27,000 a year is intentionally low and does not account for all costs. Additional costs will be incurred and they are material but the time to accurately research and identify them was not completed when the workgroup was closed.

VI. The Method Of Passage Of The Additional Governor Amendment Was Irregular, Violated the Intention of the Bylaws, and Designed To Minimize Member Input

The New Governor Workgroup did substantial research on how members process information provided by the Board. Based on several surveys it is clear members do not see their time to provide input to be ripe until *an actual proposal with language* is brought forward. Until that time, a proposal may not be made at all. That material is at **Exhibit E**. Albeit, anecdotally this Board has witnessed that first hand to be true and members have said such explicitly during Board meetings.

It is accurate, as proponents of the new Governor seats have argued, that the Board created a Governance Task Force to make general governance recommendations and that it met for an extended time. However, merely saying that ignores several important facts.

First, that a task force discusses general recommendations does not mean the Board will vote to adopt them. Indeed, *most of the Governance Task Force's recommendation were not adopted*.

Second, and as noted above, given WSBA members do not see their time for input being ripe until there is actual language of a proposal to be adopted, it was only after the Board both voted to adopt a recommendation *and* provided draft language to implement it that members viewed their comment clock to have started running.

That leads to the important point: the process used by the Board in 2016 to pass its amendment, while perhaps sharply within the bylaws, was a clear derivation of our custom and practice and violated the bylaws' intent.

WSBA bylaws require a "first reading" of any by-law amendment. (Bylaws, XVI(B)). They must be presented at least once for debate before being voted on for approval.

The Board regularly meets every other month. Thus, *the fastest the bylaws contemplate an amendment may be presented and passed is the span of two meetings – two months*.

Albeit, for significant actions even that may not be enough. The Board last year presented matters much *less* significant than bylaw amendments two and three times (over the course of six months) before holding a final vote, to ensure members had a chance to weigh in. At times, the President simply would not call a vote on matters *not even requiring a first read* to ensure the members had adequate time to be aware and comment.

A detailed time line of the process used by the 2016 Board to pass this amendment is at **Exhibit F**.

However, the material dates are only two.

- (1) The bylaw amendment to add 3 new appointed Governor seats was presented for a first read on **August 23, 2016**.
- (2) The amendment was brought to a final vote on **September 30, 2016** – 4 weeks later.

To end run the normal course, the Board in 2016 held a special meeting on short notice to satisfy the “first read” requirement. That was the *first time* the final language was presented. The Board held a final vote only four weeks later.

However, even with that short time the members did respond. In only a few short weeks, over 150 members responded speaking against the proposed amendments.² That is more member comment on an issue than has been received on any matter in the institutional history of the Board.

One Governor voting against the amendments was our now past-President Bill Picket who voted against them and said passing them was a betrayal of the members.

VII. Legal Advice Relied On For Passage Was Incorrect

The New Governor Workgroup had a Governor who was on the Board in 2016 when the amendment was approved. He reported the Board was told by the Executive Director at the time that adding public members would help protect WSBA against an anti-trust claim. The then Executive Director relied on North Carolina State Board of Examiners v. FTC, 574 US 494 (2015) as an example of how market actors regulating themselves could constitute an anti-trust violation and that adding public members would help insulate against such a claim. The Governor indicated that that advice was the only reason they voted for the bylaw amendment.

However, more Governors started studying the North Carolina case, and the Board felt that the assertion that WSBA was at risk of an anti-trust claim was not accurate; the Board felt the case was inapposite on the facts given that our Supreme Court has a direct hand in WSBA’s activities (unlike the Dental Board) and WSBA does not act outside its state mandate (again, unlike the Dental Board).

In 2018, independent legal advice was given to the Board that the presence of a public member would not insulate the Board from an antitrust claim if one was made nor subject it to one by the absence of a public member. It was ultimately agreed by proponents on the staff that the presence or absence of a public member made no difference on this issue.

In short, the 2016 Board was persistently told it needed to seat public members or face an anti-trust challenge as in the North Carolina case. In reliance of that, the Board voted to add them. However, that advice was incorrect and was later conceded to be incorrect.

² As reported by staff.

VIII. The Rationale For Adding More Governors Was Flawed

As to adding public members, the Governance task force's analysis was based on several flawed assumptions.

The task force asserted adding public members would improve decision making and the public's perception of the practice of law. Based on the research identified above it is submitted the first point (improved decision making) has no support. In practice with technical Boards, that has not been found to be the case.

Further, where WSBA decisions can make the most difference to the public, (Character and Fitness Board, Client Protection Fund Board, etc.), WSBA *already has* public involvement and public votes.

It is submitted the rationale of improving decision making as to *what the Board of Governors does*, is without support of the literature and contrary to the objective facts.

On the second point of improving the public's perception of the practice, while that is a laudable goal it is plainly speculation without basis. WSBA *already has* approximately 43 public members serving in important capacities. Further, WSBA is actively involved in pro and low bono efforts, law clinics, and other outreach. If all of that does not improve the public's impression of lawyers, it is unlikely that two public members would somehow change the tide.

The fact is that the public's perception of the practice of law is largely determined by its interaction with its own attorneys or those opposing them. Regrettably, since William Shakespeare in Henry VI, Part 2, uttered the phrase "The first thing we do, let's kill all the lawyers," there has been the perception the practice of law is not honorable. The WSBA believes this to be untrue. But the notion that appointing two public members will somehow improve that, much less cure it, plays into stereotypes about lawyers that should not be tolerated.

Further, the governance task force's reasoning for adding two public members was at best circular. According to the Governance Task Force, not one but two public members should be added; not because two was necessary to improve decision making, but because if there was only one they might feel "isolated." Even if the good faith of that suggestion is accepted, it does not outweigh the material financial cost (\$18,000 a year) and disadvantages of increasing the Board's size so a public member could have another public ally.

Additionally, when public members are added to technical Boards, the one thing the literature *does* acknowledge is cooption. In short, a public member with no technical expertise or knowledge will naturally seek out an ally with that technical expertise. Studies show that more often than not, particularly on technical matters, the public member will defer to their ally both because he/she is the source of their technical information and out of personal loyalty. Thus, the literature demonstrates that adding public members as tokenism actually has the opposite effect of what is intended.

As to adding a dedicated seat for LLLTs and LPOs, the Governance Task Force asserted they (LLLTs and LPOs) wanted a voice at the table. However, the Governance Task Force did not

include a single limited license practitioner and its materials indicate it did not take the time to speak with any. (Governance Report, Appendix C and D, pp. 31-23).

Unlike the Governance Task Force which ironically did not include a LPO, LLLT, or public member despite the Task Force's opinion their inclusion was important for proper decision making, *the New Governor Workgroup had two LPOs, a LLLT, and two public members.*

Exhibit G.

One LPO member was not just any LPO. Wyomia Menkens, LPO, is a Senior Division President at Stewart Title Company – one of the largest employers of LPOs in the state. She and her staff surveyed their LPOs to discover how they viewed themselves in relation to the WSBA.

Exhibit H.

Mostly, LPOs view themselves as having no relation with WSBA. Meaning, they view their having an LPO license as simply a necessity to do their escrow work. They never gave a thought to being members of the Bar, much less do that want or feel they need to being involved in Governance or to participate in WSBA other than paying their license fee. They view their relationship to WSBA no differently than how a person with a driver's license views the DMV: a person needs a driver's license to drive, but needing to have one does not give rise to a desire to help run the DMV.

It may be agreed individual exceptions to that may be found. For instance, one survey taker at Stewart Title indicated she felt a strong connection to WSBA. However, that was one out of all surveyed. The rest expressed no opinion or stated they felt no connection and never used a single WSBA benefit.

As to LLLTs, one was included on the New Governor Workgroup and when asked, she expressed a desire to be on the Board. Other than when issues specific to LLLTs are discussed, this Board has not seen few if any LLLT attend a Board of Governors meeting in the last three years, for issues other than those directly related to that program.

Over time Governor seats have gone uncontested. If at some point if this Court allows, a LPO or LLLT will be on this Board by standing for election. But, they should stand for a vote as attorneys do and they should not have a dedicated seat as it creates a grossly disproportionate representation given their actual numbers.

IX. Final Considerations

The clear weight of the research and analysis submitted to the Workgroup weighed against enlarging the Board or seating public members. Without question there are members of the WSBA who favor doing both. However, while vocal they appear to be in the minority and as described above their arguments are not based in literature or data. Their arguments do not withstand close scrutiny and when the Governance task force final report is read with a close eye, it is clear its conclusions were supported by only supposition.

The WSBA Board should not be any larger. The Board has exhibited all the maladies reported in the literature when a governing Board is too large. Those challenges are not insurmountable and

over the past year the Board came together admirably as it put various transitional challenges behind it including irreconcilable governance perspectives with an executive director. However, increasing the Board by three appointed members will not improve the challenges that come with large board governance.

Reducing the number of elected Governors to make space for three new Governors is not a reasonable option. Members consistently speak of the need to maintain election of Governors by Congressional district to ensure geographical diversity. Reduction of that representation would be viewed poorly by our 40,000 members.

The WSBA is leaving behind a time when it sought to insulate the organization from the members it exists to serve. Adding three additional appointed Governorships along with the suggestion, albeit not adopted, to reduce the number of elected Governors by two, also needs no further elucidation: it was an attempt to insulate WSBA from accountability to the members. It has resulted in reduced trust by the membership and a reduced view of the legitimacy of the WSBA.

If the Court had decided to exclude the 40,000 voting members from the administration of their professional organization, arguably it has the plenary authority to do so if done within the scope of regulating the practice of law. However, neither the Court's Structures Workgroup nor the more recent order of the Court appears to endorse that option. Adding three appointed Governors, when there are already three appointed Governors, is a material erosion of democratic representation. It would allow future Boards to insulate themselves from accountability when it missteps and prevent the members from changing its course through elections. It would allow future Boards to entrench themselves and engage in cronyism. That does not serve the Court, the public, or the members.

If the Court opts for retaining governance by democracy, it should be consistent and allow the WSBA and its Board to determine how best to carry out its responsibilities. Despite the distraction over the last year and a half, there has been no interruption whatsoever of discipline, admissions, or any of our regulatory functions. While the Board has had disagreements over larger issues of governance, the Board has always been respectful of the critical firewalls between governance and mandatory functions.

Much like the relationship between the trial Courts and the appellate Courts, the Board should be given latitude as the initial trier of fact even if the Court might have reached a different conclusion if it was the original decision-maker. Provided WSBA continues to deliver on its mandatory functions and the Board does not abuse its discretion, the Board should be allowed to determine how it can best work within its own structure.

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar
DATE: December 13, 2019
RE: Request of Directive to President

ACTION: Endorse President's Plan of Action re: Alternatives to Strict Implementation of MMI

Background

At its September 28th, 2017, meeting, the Board of Governors approved the formation of a Mandatory Malpractice Insurance Task Force and a Charter for the Task Force. At the May 17, 2019, meeting, the Board voted 9-5 against a specific Task Force recommendation to implement mandatory malpractice insurance for lawyers in private practice in a specific way.

On December 4th, 2019, that specific recommendation was approved for public comment by the Supreme Court.

Request for Directive

In order to strengthen my ability to advocate for this body, I would like to educate the Court about the efforts the WSBA is taking to address the underlying issues. I had already planned to create an ad-hoc committee to generate ideas and survey other bars to better educate this body, the public, and the Court to assist and strengthen our deliberative process and ability to take well founded positions.

While I believe it is in my power under the Bylaws to proceed in this fashion, given the sensitive nature of this topic, given my desire to have board support and unity behind my advocacy, and given my need to move expediently, I am asking the Board to endorse a directive to me as follows, without change:

The President should communicate the BoG's position on that matter which came before it last year and create temporary ad-hoc committee(s) to investigate alternatives for consideration by the Court and BoG.

In Service,



Rajeev D. Majumdar



OGC ROLE IN THE DISCIPLINE SYSTEM

OVERVIEW

APPOINTMENT

- Discipline Selection Panel
- Appointed Counsel

CONFLICTS

- Conflict Review Officers

FILES AND RECORDS

- Filings and Service of Orders
- Maintain Records
- Appeal Record to Supreme Court

ADJUDICATION

- Chief Hearing Officer
- Hearing Officers
- Review Committees
- Disciplinary Board

APPOINTMENTS

Discipline Selection Panel and
Appointed Counsel



DISCIPLINE SELECTION PANEL

- Recommend appointments, reappointments, or removal to Board of Governors for:
 - Disciplinary Board Members
 - Chief Hearing Officer
 - Hearing Officer
 - Conflicts Review Officers

ELC 2.2(e)

DISCIPLINE SELECTION PANEL

Appointment

Appointed by the Supreme Court upon recommendation from the Board of Governors

Membership

1 or more:

- Former Disciplinary Board Chair

- Current or Former Hearing Officers

- Former Community Members of Disciplinary Board

Chair

Member of the Board of Governors

DISCIPLINE SELECTION PANEL

Meet at least once each year in March or April to:

- Review and Discuss Applications
- Request Additional Information if Needed
- Hear confidential input from ODC and Respondent's Counsel
- Interview CHO candidates if needed

APPOINTED COUNSEL

Lawyers involved in proceedings to determine whether they have the current capacity to practice law or defend themselves in disciplinary proceedings must either appear with counsel or have counsel appointed. These lawyers sign independent contractor agreements with WSBA.

ELC Title 8

CONFLICT REVIEW OFFICERS

Grievance review independent of ODC
and WSBA when directed by ELC 2.7



CONFLICTS REVIEW OFFICERS (CRO)

Perform the initial review of grievances against:

- Disciplinary Counsel
- Other Lawyers Employed by WSBA
- Hearing Officers
- Conflict Review Officers
- Disciplinary Board Members
- Board of Governors Members
- WSBA Officers
- Attorneys and Judicial Officers of the Washington Supreme Court

ELC 2.7

CONFLICTS REVIEW OFFICERS (CRO)

Conflicts Review Officers are appointed by the Supreme Court and must have prior experience as:

- Disciplinary Board Member,
- Disciplinary Counsel, or
- Special Disciplinary Counsel

ELC 2.7(a)

CONFLICTS REVIEW OFFICERS (CRO)

Conflicts Review Officers Have the Authority To:

- Request Respondent's Response to the Grievance
- Dismiss the Grievance
- Defer the Investigation of the Grievance, or
- Assign the Grievance to a Special Disciplinary Counsel for investigation
- Determine Whether to Reopen or Refer to a Review Committee

ELC 2.7(a)(1)

REFERRAL TO SPECIAL DISCIPLINARY COUNSEL

- Conduct investigation according to ELCs
- May recommend an admonition or hearing
- May negotiate a stipulated resolution
- OGC provides procedural advice and assistance as needed

FILING

Disciplinary Board Clerk



FILING WITH CLERK

- Originals of pleadings, motions and other papers authorized under the ELC must be filed with the Clerk (except matters before the Supreme Court)
- Written orders, decisions and rulings must be filed with the Clerk and the Clerk serves the orders on the respondent lawyer and disciplinary counsel (except an order of the Supreme Court)
- ELC 4.2

DISCIPLINE INFORMATION HANDLED BY CLERK AND OTHER OGC STAFF

Matters Reported to Review Committees

Matters Decided by Chief Hearing Officer

Matters Reviewed by the Disciplinary Board Chair

Matters Reviewed by Disciplinary Board

Matters Appealed to the Supreme Court

Discipline-related Public Records Requests

Discipline Notices

Date Entry

ADJUDICATORS

Chief Hearing Officer

Hearing Officers

Disciplinary Board Chair

Disciplinary Board



CHIEF HEARING OFFICER

Chief Hearing Officer has the following duties and responsibilities:

- Assigns cases to both settlement officers and hearing officers
- Performs hearing officer duties
- Hears motions for protective order and other prehearing motions
- Supervise annual hearing officer training
- Respond to hearing officer requests for information

ELC 2.5(e)

HEARING OFFICERS

Hearing Officers perform the following functions:

- Conduct settlement conferences
- Conduct hearings
- Approve stipulations to dismissal, admonition or reprimand
- Issue written decisions, including findings of fact, conclusions of law and sanction recommendations

ELC 2.5

DISCIPLINARY BOARD AND REVIEW COMMITTEES

Disciplinary Board meets both as full board and as three-person review committees.

Review Committees:

- Review timely grievance dismissal protests
- Review investigation reports, including recommendations for hearing, admonition or advisory letter
- Issue admonitions
- Issue advisory letters

ELC 2.3 and 2.4

Not intended to be a complete list of review committee authority

DISCIPLINARY BOARD

The full Disciplinary Board:

- Approve or conditionally approve stipulations to suspension and disbarment-for submission to the Supreme Court.
 - Consider appeals from hearing officer decisions.
 - Consider whether to order *sua sponte* review of hearing officer decisions.
-
- ELC 2.3, 9.1(d), 11.2, 11.3

TO: WSBA Board of Governors
FROM: Terra Nevitt, Interim Executive Director
DATE: January 8, 2020
RE: Proposed Rulemaking Re: Civil Arrests in Connection with Judicial Proceedings

DISCUSSION: Consider providing comment to the Supreme Court of Washington on (1) suggested new GR 38 and (2) suggested amendments to RPC 4.4 Comment 4

Attached, please find materials relating to the proposed rulemaking described above.

1. Supreme Court Order No. 25700-A-1274 (November 6, 2019)
2. GR 9 Cover Sheet, Proposed New Washington State Court Rule
3. Proponents Proposed Amended Language (December 12, 2019)
4. GR 9 Cover Sheet, Proposed Amendment to Comment on Rules of Professional Conduct Comment to Rule 4.4 – Respect for Rights of Third Person
5. Memo from WSBA Committee on Professional Ethics Re: The CPE’s view on the Proposed Amendment to Rule 4.4 Comment (4) and Proposed General Rule 38
 - a. Exhibit A – GR 9 Cover Sheet, Proposed Amendment to Comment on Rules of Professional Conduct Comment to Rule 4.4 Respect for Rights of Third Person
 - b. Exhibit B – CPE Suggested Changes to Rule 4.4 comment (4)

The Supreme Court of Washington published suggested new GR 38 and suggested amendments to RPC 4.4 Comment 4 on November 6, 2019. Comments are due February 3, 2020.

The Board will hear presentations from the proponents of suggested new GR 38 and suggested amendments to RPC 4.4 comment 4, as well as WSBA’s Committee on Professional Ethics, which routinely provides advice to the Board of Governors on suggested amendments to the Rules of Professional Conduct.

WASHINGTON STATE
B A R A S S O C I A T I O N

Supreme Court Order
No. 25700-A-1274
(November 6, 2019)

FILED
NOV - 6 2019
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED NEW)
GENERAL RULE (GR) 38 AND SUGGESTED)
AMENDMENT TO RPC 4.4 COMMENTS [4])
)
)
)
)
)
)

ORDER

NO. 25700-A- 1274

The Washington Defender Association, having recommended the suggested new General Rule (GR) 38 and suggested amendments to RPC 4.4 Comment [4], and the Court having approved the suggested new rule and suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new rule and suggested amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 60 days from the published date of the rule in the Washington Reports. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

ORDER

IN THE MATTER OF THE SUGGESTED NEW GENERAL RULE (GR) 38 AND
SUGGESTED AMENDMENTS TO RPC 4.4 COMMENTS [4]

DATED at Olympia, Washington this 6th day of November, 2019.

For the Court

Fainmust, CJ.
CHIEF JUSTICE

GR 9 COVER SHEET

Proposed New Washington State Court Rule

GENERAL RULE (GR) 38

(A) Names of Proponents: Northwest Justice Project, Washington Defender Association, American Civil Liberties Union (ACLU) of Washington, Northwest Immigrant Rights Project, Washington Immigrant Solidarity Network, Columbia Legal Services, Central Washington Justice For Our Neighbors, Asian Pacific Islander Institute on Gender-Based Violence, Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, Colectiva Legal del Pueblo

(B) Spokespersons: Annie Benson, Washington Defender Association
110 Prefontaine Place South, Suite 610, Seattle, WA 98104
Tel: 206-623-4321 Email: abenson@defensenet.org
Vanessa Hernandez, Northwest Justice Project
401 Second Avenue, Suite 407, Seattle, WA 98104
Tel: 206-464-1519 Email: Vanessa.Hernandez@nwjustice.org

(C) Purpose:

The proposed court rule is based on the civil arrest privilege. As the supplemental materials outline, the privilege has a long-established tradition in common law and Washington caselaw.¹ The privilege prohibits civil arrests without a judicial arrest warrant, or other judicial arrest order, from being carried out against a person who is inside a Washington courthouse, or who is traveling to, or returning from, a Washington courthouse to attend hearings or conduct business with the court.

As of the filing of this petition, incidents involving warrantless arrests in connection with federal civil immigration enforcement activities have been documented in courthouses in 18 Washington counties.² Federal immigration enforcement agents of the Department of Homeland Security Divisions of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) are arresting people inside, outside and adjacent to (e.g., on courthouse sidewalks and in courthouse parking lots) Washington district, municipal and superior courts. Additionally, ICE and CBP agents are following people as they leave the courthouse, pulling them over in their cars and arresting drivers and passengers.

¹ See memorandum in supplemental materials providing an overview of the law on the civil arrest privilege.

² See factsheet *Immigration Enforcement At Washington Courthouses*, Washington Immigrant Solidarity Network, (Sept. 2019), provided in the supplemental materials and available at: <https://defensenet.org/wp-content/uploads/2019/08/Summary-2-pgr-Immig-Enforement-@-WA-Ct-Houses-AB-FINAL-0829019.pdf>

Targeted people are at courthouses in connection with court business, such as attending a hearing or paying traffic infractions. There are no documented incidents of such individuals causing any disturbance of the peace or posing any danger to others while engaging in court business. Immigration enforcement agents target people of color, predominantly Latinx Spanish speakers. Targeted people are stopped, questioned and/or simply apprehended, often forcefully.

Immigration enforcement actions at courthouses are now well-known throughout Washington's immigrant communities. As a result, noncitizens and their families and communities are afraid to engage with our state's justice system. Some of the impacts of these actions are:

- Victims are afraid to report crimes for fear that they or their family members would have to come to a courthouse as a result of their report.
- Victims and other witnesses are afraid to testify in both civil and criminal cases.
- Victims are afraid to seek domestic violence and other forms of protective orders.
- Would-be parties to civil litigation are afraid to commence civil litigation through which they could otherwise obtain orders of dissolution, parenting plans and orders for support and division of property.
- Respondents in a range of civil litigation are afraid to participate, forcing them to choose between being defaulted, or risking arrest.
- People are foregoing payment of traffic fines, seeking marriage licenses and accessing other administrative court services.
- Defendants fear showing up for court dates to answer and defend against criminal charges. They must choose risking additional charges for failing to appear (an offense with severe immigration consequences) or being arrested, detained and possibly deported by immigration enforcement officers. These circumstances compromise defense attorney's capacity and obligations to defend their clients.
- People who would otherwise accompany friends and relatives to court, are now afraid to provide that accompaniment or transportation to court.
- Prosecutors are impeded in their duties to pursue justice for alleged criminal violations.

It is a fundamental right of all Washington residents to access our courts. Const. art. 1, § 10. The purpose of Washington's court rules is to "provide necessary governance of court procedure and practice and to promote justice by ensuring a fair and expeditious process." GR 9. Targeting those who appear at our courthouses and subjecting them to arrest without a judicial warrant for alleged civil immigration violations frustrates justice and compromises our judicial process.

This civil arrest activity denies access to our justice system for large numbers of individuals and their families, the majority of whom are Spanish-speaking people of color. Their legitimate fears of arrest and deportation require justice system stakeholders to engage all possible strategies to ensure Washington courts are open, neutral and accessible to the public, free of restrictions that would otherwise impede the proper administration of justice.

The proposed rule recognizing the civil arrest privilege is one such strategy. It would prohibit unwarranted immigration enforcement actions and help to restore access to Washington's courts for all, renew confidence in our judicial system and provide a basis to pursue legal action against

state and federal actors who violate orders invoking the privilege. Accordingly, it is appropriate and necessary that the Court adopt the proposed rule.

This rule does not create or resolve conflicts with statutes, case law or other court rules.

(D) Hearing:

The proponents do not believe a public hearing is needed.

(E) Expedited Consideration:

The proponents believe exceptional circumstances justify expedited consideration of the suggested rule. The current circumstances have resulted in an access to justice crisis for noncitizens, their families and communities. Much damage has already occurred, to families, and communities, as well as our courts. And federal immigration enforcement actions continue. Community members report arrests taking place multiple times each week in Grant County alone. Communities and justice system stakeholders cannot wait until September 1st, 2020. Indeed, even if the petition is processed in an expedited manner there will be significant damage to people and the mission of our courts. As such, proponents respectfully request that the proposed rule be moved through the process as quickly as possible. If the committee votes to permit the petition to proceed, proponents request commencement of a 30-day comment period as soon as possible and an expedited schedule for the remainder of the process.

(F) Supporting Materials:

1. *Immigration Enforcement at Washington State Courthouses*, Washington Immigrant Solidarity Network, August 29, 2019.
2. Letter From Chief Justice Mary Fairhurst to Commissioner Kevin McAleenan, US Customs and Border Protection, April 15, 2019.
3. Letter from Chief Justice Mary Fairhurst to Secretary John Kelly, US Department of Homeland Security, March 15, 2017.
4. Letter from Robin L. Haynes, Washington State Board of Governors to Secretary John Kelly, US Department of Homeland Security, June 1, 2017.
5. *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center For Human Rights, October 1, 2019.

PROPOSED WASHINGTON COURT RULE
GENERAL RULE (GR) 38

1. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the person is inside a court of law of this state in connection with a judicial proceeding or other business with the court.

2. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the traveling to a court of law of this state for the purpose of participating in any judicial proceeding, accessing services or conducting other business with the court, or while traveling to return home or to employment after participating in any judicial proceeding, accessing services or conducting business with the court. Participating in a judicial proceeding includes, but is not limited to, participating as a party, witness, interpreter, attorney or lay advocate. Business with the court and accessing court services includes, but is not limited to, doing business with, responding to, or seeking information, licensing, certification, notarization, or other services, from the office of the court clerk, financial/collections clerk, judicial administrator, courthouse facilitator, family law facilitator, court interpreter, and other court and clerk employees.

3. Washington courts may issue writs or other court orders necessary to enforce this court rule.

GR 9 COVER SHEET

**Proposed Amendment to
COMMENT ON RULES OF PROFESSIONAL CONDUCT (RPC)
Comment to Rule 4.4 – RESPECT FOR RIGHTS OF THIRD PERSON**

A. Names of Proponents:

American Civil Liberties Union of Washington (ACLU-WA), Washington Defender Association, Northwest Justice Project, Northwest Immigrant Rights Project, Washington Immigrant Solidarity Network, Columbia Legal Services, Central Washington Justice For Our Neighbors, Asian Pacific Islander Institute on Gender-Based Violence, Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, Colectiva Legal del Pueblo

B. Spokesperson:

Enoka Herat, Attorney
American Civil Liberties Union of Washington
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Tel: (206) 624-2184 Email: eherat@aclu-wa.org

C. Purpose:

Since Comment (4) to Rule of Professional Conduct (RPC) 4.4 was originally adopted in 2013, the landscape of immigration enforcement has drastically changed. A technical amendment to the comment is needed to clarify that the protections extend to the use of civil immigration enforcement as a weapon against immigrant parties and witnesses across Washington. The changes to the comment would prevent all lawyers in Washington from reporting individuals to immigration authorities in both civil and criminal cases and help to ensure that all lawyers are upholding their duty to facilitate access to justice. The proposed changes also provide exceptions for state and federal law, and for lawyers employed by federal immigration authorities.

These clarifications to the existing comment are proposed to prevent warrantless civil arrests being conducted in and around Washington courthouses by federal immigration enforcement agents. Cooperation with federal immigration enforcement agencies to facilitate these arrests transforms state courthouses into a staging ground for immigration detention and deportation, and makes the courthouse a frightening and unwelcoming place for immigrants and their families. The Washington State Bar Association (WSBA) Board of Governors unanimously approved sending a letter to the Department of Homeland Security recognizing that the “situation leads to access to justice impediments and risks less safe communities.”¹ Chief Justice Fairhurst has sent similar letters to ICE and Customs and Border Protection (CBP) asserting that these arrests “impede the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of their immigration status.”²

¹ See attached letter from WSBA BOG to ICE.

² See supplemental materials at 2 and 3.

Unfortunately, as reflected in the current Comment [4], lawyers have used immigration enforcement as a strategic tactic knowing that ICE and CBP have in recent months increased their presence at courthouses.³

Immigration enforcement actions have occurred at courthouses throughout Washington, in at least 16 different counties.⁴ ICE and CBP primarily target people of color, predominantly Latinx Spanish speakers. Targeted people are stopped, questioned and/or apprehended as they seek to enter, are inside, or are leaving a Washington courthouse. As a result, noncitizens, including immigrants with lawful status, and their families and communities are afraid to engage with our state's justice system. Defendants fear showing up for court dates to answer and defend against criminal charges. They must choose risking additional charges for failing to appear or being arrested, detained and possibly deported by immigration enforcement officers. These circumstances compromise defense attorneys' capacity and obligations to defend clients, and prosecutors are impeded in their duties to pursue justice for alleged criminal violations. Similarly, victims of crime, including domestic violence are afraid to seek judicial protections for fear being separated from their children or otherwise having to defend themselves against possible deportation.

Our Supreme Court Chief Justice, WSBA, and prosecutors around the country — including in California, Colorado, Massachusetts, and New York — have publicly condemned immigration enforcement actions in courthouses because of the chilling effect on immigrants. However, as the University of Washington's Center for Human Rights has recently reported, some prosecutors in Washington have proactively shared information and reported people to ICE.⁵ Many prosecutors know first-hand that the specter of county involvement in ICE arrests harms public trust in law enforcement, making people less likely to come forward as crime witnesses or to seek protection because they fear doing so will lead ICE agents to detain and deport them or their family members. As a letter sent by California prosecutors to ICE noted, “[n]o one should fear that their immigration status prevents them from seeking justice, whether as a crime victim or otherwise.”⁶

The proposed amendment seeks to clarify that all lawyers in Washington are prohibited from sharing someone's personal information in order to facilitate immigration arrests as doing so burdens community members' access to courts. In Washington State, law enforcement is already prohibited from sharing nonpublic, personal information with immigration authorities,⁷ as are state agencies.⁸ Extending these prohibitions to all lawyers promotes fairness, public safety, and access to justice for all Washingtonians.⁹

³ Lilly Fowler, *More Immigrants Report Arrests at WA Courthouses, Despite Outcry*, <https://crosscut.com/2019/04/more-immigrants-report-arrests-wa-courthouses-despite-outcry>, (last accessed on 9/26/19).

⁴ See attached report, University of Washington Center for Human Rights, *Justice Compromised, Immigration arrests at Washington state courthouses* (Oct. 2019).

⁵ See *Id.*

⁶ Letter to Attorney General Jeff Sessions from California Prosecutors, <https://fairandjustprosecution.org/wpcontent/uploads/2017/09/Letter-to-AG-Sessions-from-California-Prosecutors.pdf> (April 2017).

⁷ See SB 5497 (2019-20), Section 6(5), <http://lawfilesexternal.wa.gov/biennium/201920/Pdf/Bills/Senate%20Passed%20Legislature/5497-S2.PL.pdf>.

⁸ See Executive Order 17-01, https://www.governor.wa.gov/sites/default/files/exe_order/eo_17-01.pdf (February 2017).

⁹ Additionally, an update to the comment was necessary to recognize prosecutors' obligations under state and federal law, as well as to protect lawyers employed by federal immigration agencies.

It is a fundamental right of all Washington residents to access our courts. Const. art. 1, § 10. Justice system stakeholders must take all possible steps to ensure Washington courts are open, neutral and accessible to the public, free of restrictions that would otherwise impede the proper administration of justice. The technical amendment comment to RPC 4.4 furthers the intent of the current comment and reflects the need to ensure that all lawyers, including prosecutors, are not contributing to immigration arrests which actively undermine access to justice. Accordingly, it is appropriate and necessary that the proposed technical amendment to the comment to RPC 4.4 is adopted.

D. Hearing:

The proponents do not believe a public hearing is needed.

E. Expedited Consideration:

The proponents believe exceptional circumstances justify expedited consideration of the suggested technical amendment to the comment to RPC 4.4 and request that the Rules Committee proceed to a 30 day comment period. If the Rules Committee deems it necessary to direct the proposed commentary to the WSBA's Professional Ethics Committee for review, we request that the committee ask that the review be expedited and seek a response within a timeframe time that circumstances warrant.

F. Supporting Materials:

1. *Immigration Enforcement at Washington State Courthouses*, Washington Immigrant Solidarity Network, August 29, 2019.
2. Letter From Chief Justice Mary Fairhurst to Commissioner Kevin McAleenan, US Customs and Border Protection, April 15, 2019.
3. Letter from Chief Justice Mary Fairhurst to Secretary John Kelly, US Department of Homeland Security, March 15, 2017.
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5. *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center For Human Rights, October 1, 2019.

1 **SUGGESTED RULE CHANGES**

2 **RULES OF PROFESSIONAL CONDUCT 4.4 COMMENT (4)**

3 The duty imposed by paragraph (a) of this Rule includes a lawyer's assertion or inquiry about
4 any ~~third~~ person's immigration status when the lawyer's purpose is to intimidate, coerce, or
5 obstruct that person from participating in a civil or criminal matter, or otherwise assists with civil
6 immigration enforcement. Issues involving immigration status carry a significant danger of
7 interfering with the proper functioning of the justice system. See *Salas v. Hi-Tech Erectors*, 168
8 Wn.2d 664, 230 P.3d 583 (2010). When a lawyer is representing a client ~~in a civil matter~~,
9 whether the client is the state or one of its political subdivisions, an organization, or an
10 individual, a lawyer's communication to a party or a witness that the lawyer will report that
11 person to immigration authorities, or a lawyer's report of that person to immigration authorities,
12 furthers no substantial purpose of the ~~civil~~ adjudicative and violates this Rule.

13
14 A communication in violation of this Rule can also occur by an implied assertion that is the
15 equivalent of an express assertion prohibited by paragraph (a). Sharing personal information with
16 federal immigration authorities, including but not limited to, home address, court hearing dates,
17 citizenship or immigration status, or place of birth, absent a court order, for the purpose of
18 facilitating civil immigration arrests is conduct that is in violation of this Rule. See also Rules
19 1.6(a) (prohibiting a lawyer from revealing information relating to the representation of a client),
20 8.4(b) (prohibiting criminal acts that reflect adversely on a lawyer's honesty, trustworthiness, or
21 fitness as a lawyer in other respects), 8.4(d) (prohibiting conduct prejudicial to the administration
22 of justice), and 8.4(h) (prohibiting conduct that is prejudicial to the administration of justice
23 toward judges, lawyers, LLLTs, other parties, witnesses, jurors, or court personnel or officers,
24 that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex,
25 race, age, creed, religion, color, national origin, immigration status, disability, sexual orientation,
26 or marital status).

27
28 Government officials may provide federal immigration authorities with information relating to
29 any person involved in matters before a court only pursuant to RCW 7.98, or upon request and in
30 the same manner and to the same extent as such information is lawfully made available to the
31 general public, or pursuant to a court order. Additionally, under 8 U.S.C. § 1373, government
32 officials are not prohibited from sending to or receiving from immigration authorities a person's
33 immigration status or citizenship. Lawyers employed by federal immigration authorities engaged
34 in authorized activities within the scope of lawful duties shall not be deemed in violation of this
35 rule.

WASHINGTON STATE
BAR ASSOCIATION

**GR 9 Cover Sheet,
Proposed New Washington
State Court Rule**

GR 9 COVER SHEET

Proposed New Washington State Court Rule

(A) Names of Proponents: Northwest Justice Project, Washington Defender Association, American Civil Liberties Union (ACLU) of Washington, Northwest Immigrant Rights Project, Washington Immigrant Solidarity Network, Columbia Legal Services, Central Washington Justice For Our Neighbors, Asian Pacific Islander Institute on Gender-Based Violence, Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, Colectiva Legal del Pueblo

(B) Spokespersons: Annie Benson, Washington Defender Association
110 Prefontaine Place South, Suite 610, Seattle, WA 98104
Tel: 206-623-4321 Email: abenson@defensenet.org
Vanessa Hernandez, Northwest Justice Project
401 Second Avenue, Suite 407, Seattle, WA 98104
Tel: 206-464-1519 Email: Vanessa.Hernandez@nwjustice.org

(C) Purpose:

The proposed court rule is based on the civil arrest privilege. As the supplemental materials outline, the privilege has a long-established tradition in common law and Washington caselaw.¹ The privilege prohibits civil arrests without a judicial arrest warrant, or other judicial arrest order, from being carried out against a person who is inside a Washington courthouse, or who is traveling to, or returning from, a Washington courthouse to attend hearings or conduct business with the court.

As of the filing of this petition, incidents involving warrantless arrests in connection with federal civil immigration enforcement activities have been documented in courthouses in 18 Washington counties.² Federal immigration enforcement agents of the Department of Homeland Security Divisions of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) are arresting people inside, outside and adjacent to (e.g., on courthouse sidewalks and in courthouse parking lots) Washington district, municipal and superior courts. Additionally, ICE and CBP agents are following people as they leave the courthouse, pulling them over in their cars and arresting drivers and passengers.

Targeted people are at courthouses in connection with court business, such as attending a hearing or paying traffic infractions. There are no documented incidents of such individuals causing any disturbance of the peace or posing any danger to others while engaging in court business.

¹ See memorandum in supplemental materials providing an overview of the law on the civil arrest privilege.

² See factsheet *Immigration Enforcement At Washington Courthouses*, Washington Immigrant Solidarity Network, (Sept. 2019), provided in the supplemental materials and available at: <https://defensenet.org/wp-content/uploads/2019/08/Summary-2-pgr-Immig-Enforement-@-WA-Ct-Houses-AB-FINAL-0829019.pdf>

Immigration enforcement agents target people of color, predominantly Latinx Spanish speakers. Targeted people are stopped, questioned and/or simply apprehended, often forcefully.

Immigration enforcement actions at courthouses are now well-known throughout Washington's immigrant communities. As a result, noncitizens and their families and communities are afraid to engage with our state's justice system. Some of the impacts of these actions are:

- Victims are afraid to report crimes for fear that they or their family members would have to come to a courthouse as a result of their report.
- Victims and other witnesses are afraid to testify in both civil and criminal cases.
- Victims are afraid to seek domestic violence and other forms of protective orders.
- Would-be parties to civil litigation are afraid to commence civil litigation through which they could otherwise obtain orders of dissolution, parenting plans and orders for support and division of property.
- Respondents in a range of civil litigation are afraid to participate, forcing them to choose between being defaulted, or risking arrest.
- People are foregoing payment of traffic fines, seeking marriage licenses and accessing other administrative court services.
- Defendants fear showing up for court dates to answer and defend against criminal charges. They must choose risking additional charges for failing to appear (an offense with severe immigration consequences) or being arrested, detained and possibly deported by immigration enforcement officers. These circumstances compromise defense attorney's capacity and obligations to defend their clients.
- People who would otherwise accompany friends and relatives to court, are now afraid to provide that accompaniment or transportation to court.
- Prosecutors are impeded in their duties to pursue justice for alleged criminal violations.

It is a fundamental right of all Washington residents to access our courts. Const. art. 1, § 10. The purpose of Washington's court rules is to "provide necessary governance of court procedure and practice and to promote justice by ensuring a fair and expeditious process." GR 9. Targeting those who appear at our courthouses and subjecting them to arrest without a judicial warrant for alleged civil immigration violations frustrates justice and compromises our judicial process.

This civil arrest activity denies access to our justice system for large numbers of individuals and their families, the majority of whom are Spanish-speaking people of color. Their legitimate fears of arrest and deportation require justice system stakeholders to engage all possible strategies to ensure Washington courts are open, neutral and accessible to the public, free of restrictions that would otherwise impede the proper administration of justice.

The proposed rule recognizing the civil arrest privilege is one such strategy. It would prohibit unwarranted immigration enforcement actions and help to restore access to Washington's courts for all, renew confidence in our judicial system and provide a basis to pursue legal action against state and federal actors who violate orders invoking the privilege. Accordingly, it is appropriate and necessary that the Court adopt the proposed rule.

This rule does not create or resolve conflicts with statutes, case law or other court rules.

(D) Hearing:

The proponents do not believe a public hearing is needed.

(E) Expedited Consideration:

The proponents believe exceptional circumstances justify expedited consideration of the suggested rule. The current circumstances have resulted in an access to justice crisis for noncitizens, their families and communities. Much damage has already occurred, to families, and communities, as well as our courts. And federal immigration enforcement actions continue. Community members report arrests taking place multiple times each week in Grant County alone. Communities and justice system stakeholders cannot wait until September 1st, 2020. Indeed, even if the petition is processed in an expedited manner there will be significant damage to people and the mission of our courts. As such, proponents respectfully request that the proposed rule be moved through the process as quickly as possible. If the committee votes to permit the petition to proceed, proponents request commencement of a 30-day comment period as soon as possible and an expedited schedule for the remainder of the process.

(F) Supporting Materials:

1. *Immigration Enforcement at Washington State Courthouses*, Washington Immigrant Solidarity Network, August 29, 2019.
2. Letter From Chief Justice Mary Fairhurst to Commissioner Kevin McAleenan, US Customs and Border Protection, April 15, 2019.
3. Letter from Chief Justice Mary Fairhurst to Secretary John Kelly, US Department of Homeland Security, March 15, 2017.
4. Letter from Robin L. Haynes, Washington State Board of Governors to Secretary John Kelly, US Department of Homeland Security, June 1, 2017.
5. *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center For Human Rights, October 1, 2019.

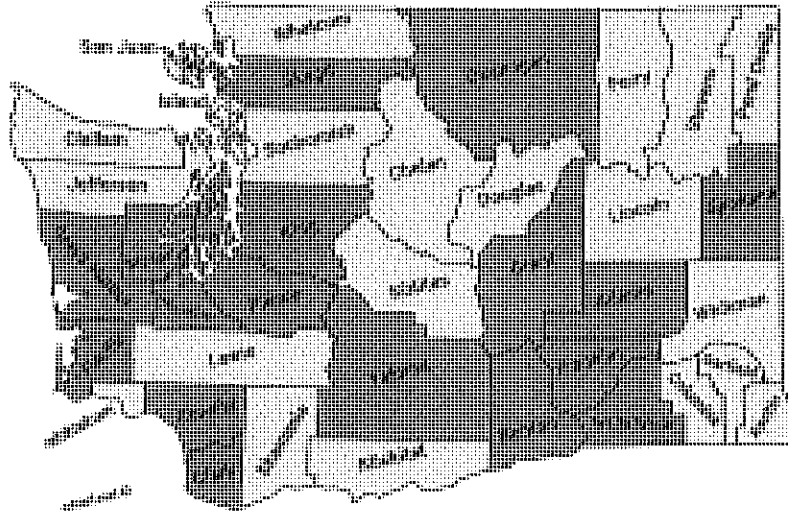
PROPOSED WASHINGTON COURT RULE

1. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the person is inside a court of law of this state in connection with a judicial proceeding or other business with the court.
2. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the traveling to a court of law of this state for the purpose of participating in any judicial proceeding, accessing services or conducting other business with the court, or while traveling to return home or to employment after participating in any judicial proceeding, accessing services or conducting business with the court. Participating in a judicial proceeding includes, but is not limited to, participating as a party, witness, interpreter, attorney or lay advocate. Business with the court and accessing court services includes, but is not limited to, doing business with, responding to, or seeking information, licensing, certification, notarization, or other services, from the office of the court clerk, financial/collections clerk, judicial administrator, courthouse facilitator, family law facilitator, court interpreter, and other court and clerk employees.
3. Washington courts may issue writs or other court orders necessary to enforce this court rule.



Immigration Enforcement at Washington State Courthouses

1 Kitsap



Summary of Preliminary Dataⁱ

Key: Incidents of ICE or CBP activity in and around courthouses, as reported to the authors. Preliminary data indicates that the highest level of activity is concentrated in Grant, Adams and Clark counties.

Background on Immigration Enforcement Activities at Washington State Courthouses

Over the past two years, advocates and community members in Washington State and throughout the country have seen a sharp increase in incidents in which federal immigration officials conduct arrests for alleged civil immigration violations at state or local courthouses. While this tactic is not new, its use has reached levels not seen prior to 2017, when the Trump Administration issued new enforcement policies.

In 2018, Immigration and Customs Enforcement (ICE) also issued a formal policyⁱⁱ in which it makes clear that it plans to continue to conduct arrests at courthouses, which it has refused to designate as “sensitive locations.” Agents with ICE and Customs and Border Protection (CBP) are now regularly conducting arrests for alleged immigration violations in and around numerous Washington courthouses, significantly interfering with people’s ability to access justice in our courts.

Contrary to statements by some elected officials, these arrests are not limited to individuals who have previously been deported or who have been convicted of felony offenses. Rather, it is now a reality in many areas of our state that community members, many of whom have no or minor criminal history, who

need to attend state court proceedings or conduct business at the courthouse expect that they may be questioned or arrested by immigration officials as a consequence of seeking justice.

Typical arrests by ICE and CBP involve:

- Targeting Latino community members based on appearance or use of Spanish language;
- Targeting people with no prior deportations or criminal history, or only pending charges or civil traffic or vehicle infractions;
- Surveillance of court hearings, then either pursuit of community members or communication with other officers outside who apprehend people after they leave the courtroom or courthouse;
- Kidnapping-style tactics, including use of plainclothes officers who refuse to identify themselves and drag community members into unmarked vehicles outside the courthouse;
- Excessive force, verbal harassment and or intimidation;
- Failure to display a warrant showing probable cause of deportability or criminal activity;
- Collaboration with local officials, including prosecutors, law enforcement & court security staff.

Negative Impacts: Civil arrests of this type are gravely problematic because they:

- **Violate the constitutional right of access to the courts** and the well-established **common law privilege against civil arrests** when attending court proceedings;
- Create **unequal access to justice** for anyone who “appears” to be a non-U.S. citizen, **which disproportionately affects Latino community members**;
- **Violate the right of accused persons to contest criminal charges** by effectively preventing them from appearing in court;
- **Make community members afraid to come to the courthouse**, and their fear is exacerbated by reports that **immigration officials are using excessive force** during their arrests;
- **Undermine public trust in law enforcement** and thus **compromise public safety**, including protection from and redress for gender-based violence and other crimes;
- **Discourage civil court claimants** seeking protection from eviction, discrimination & consumer abuses
- **Separate families** and create additional **financial strain** on working families;
- **Disrupt** the work and mission of **public defender offices**;
- **Complicate** and frustrate the work of **prosecuting attorney offices**;
- **Complicate** the protocol and duties of **courthouse staff**;
- Ultimately **undermine the mission, administration and integrity of the entire criminal and civil justice system by preventing parties and witnesses from appearing in court.**

¹ The information provided is based on government records and eye-witness accounts of community members, their families, advocates and attorneys, as reported to the contributing organizations from 2017 to 2019. Contributors include: Washington Immigrant Solidarity Network, Northwest Immigrant Rights Project, Washington Defender Association, Central Washington Justice for Our Neighbors, Northwest Justice Project, ACLU of Washington, Asian Pacific Institute on Gender-Based Violence. Information-gathering is ongoing, but the information in this report can serve as an initial sketch of the problem. It is important to note that the actual level of enforcement activity is likely higher than has been reported.

² See Directive Number 11072.1: Civil Immigration Enforcement Actions Inside Courthouses (Jan. 10, 2018), at <https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf>.

The Supreme Court

State of Washington

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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
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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

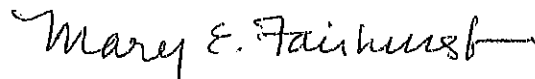
justice is compromised. Their absence curtails the capacity of our judges, clerks and court personnel to function effectively.

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



WSBA
BOARD OF GOVERNORS

Robin L. Haynes
President

phone: 509.596.1426
e-mail: robin@giantlegal.net

June 1, 2017

The Honorable John F. Kelly
U.S. Department of Homeland Security
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Kelly,

The Washington State Bar Association Board of Governors (BOG), at its May 18-19 meeting, unanimously approved that I write to you to express our concerns regarding the increased presence of agents from the Immigration and Customs Enforcement agency of the Department of Homeland Security in and around our courthouses. We feel this development is deeply troubling because it impedes the fundamental mission of our courts: 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 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 are ensured of a trusted public forum where they will be treated with dignity, respect, and fairness. The fear of apprehension by immigration officials deters individuals from accessing our courthouses and erodes the trust that our courts have worked diligently to earn and maintain, even for those with lawful immigration status. This situation leads to access to justice impediments and risks less safe communities.

As a result, we ask that you consider taking the necessary and appropriate steps to address these concerns. One suggestion would be to designate courthouses as "sensitive locations" as described in your Policy 10029.2, which would assist our courts in maintaining the trust that is necessary for the court to be a safe and neutral public forum, and would assure individuals that they can 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, and 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin L. Haynes".

Robin L. Haynes

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

Justice Compromised

Immigration arrests at Washington state courthouses

In recent months, media reports,¹ immigrant rights organizations,² and federal immigration officials³ have noted the increased use of courthouses as a site for civil immigration enforcement in Washington state. This is part of a nationwide trend: as advocates have documented in Colorado, New Mexico, New York, Massachusetts, and Pennsylvania, immigrants are increasingly being arrested by Immigrant and Customs Enforcement (ICE) and Customs and Border Protection (CBP) officers inside courthouses, in surrounding areas, and while driving away from courthouses. Once apprehended by ICE or CBP in these circumstances, they face immigration detention (for weeks, months, and, in some cases years) and deportation proceedings.

This practice raises concerns about access to justice: if risk of apprehension by immigration authorities makes immigrants afraid to go to court, this could impede their ability to engage in legal proceedings by serving as witnesses, plaintiffs, or defendants; it could discourage them from paying fines, seeking a protection order, or accessing other necessary court services such as obtaining a marriage license. Around the country, rights advocates,⁴ justice professionals⁵—including chief justices of state Supreme Courts⁶—and bipartisan bodies⁷ have asked Congress and the Department of Homeland Security (DHS) to designate courthouses as “sensitive locations,” like schools or hospitals, where the agency refrains from enforcement activities.

Thus far, the Department of Homeland Security has declined such requests. Indeed, it appears that Immigration and Customs Enforcement (ICE), at least, is doubling down: in January 2018, ICE issued its first policy directive codifying its procedures on courthouse arrests, as well as a related web FAQ. It is unclear whether Customs and Border Protection (CBP) operates with

¹ See for example articles by Sydney Brownstone, Vancouver Immigrant Claims ICE Arrested Him After Eavesdropping on Him and His Lawyer, *The Stranger* (Apr 4, 2018); and Natasha Chen, More ICE agents seen waiting around local courthouses to intercept people, *KIRO 7* (March 23, 2017).

² See for example a community alert issued via social media on August 22, 2019 by the Washington Immigrant Solidarity Network regarding ICE activity at the Grant County Courthouse in Ephrata, WA; and a press release issued by Northwest Immigrant Rights Project regarding a January 2018 arrest at a courthouse in Vancouver, WA.

³ See for example a May 2019 interview with ICE Seattle acting field director Bryan Wilcox by conservative talk radio and podcast host Lars Larson.

⁴ See for example the American Civil Liberties Union’s 2018 report *Freezing Out Justice*.

⁵ In June 2017, the Washington State Bar Association Board of Governors expressed concern about courthouse arrests by immigration enforcement agents, and urged DHS Secretary John Kelly to add courthouses to ICE’s sensitive locations list. In August 2017, the American Bar Association House of Delegates urged Congress to do the same.

⁶ Washington’s own Supreme Court Justice Mary Fairhurst, in a March 2017 letter to the Department of Homeland Security, asked that ICE and CBP cease this practice and designate Justice Fairhurst’s letter reads, in part, “When people are afraid to access our courts, it undermines our fundamental mission. ...These developments risk making our communities less safe.”

⁷ See this statement by the U.S. Commission on Civil Rights, a bipartisan independent agency.

similar guidelines; both agencies are part of DHS and conduct courthouse arrests in Washington state, but only ICE has publicly addressed the practice. In other states—though notably, not in Washington—it appears that courthouse arrests are mostly conducted by ICE rather than CBP, so most of the national attention around this issue has focused on ICE alone.

In this policy memo, and in public statements, ICE recognizes that courthouse arrests are on the rise and acknowledges that they generate particular concerns. But the agency offers two claims as justifications for the practice:

- First, it alleges that courthouse arrests have become necessary since local jurisdictions' growing reluctance to accept ICE detainees,⁸ has made arresting immigrants in jails more difficult. Because those entering courthouses are typically checked for weapons, the agency argues, apprehending immigrants in courthouse settings is safer than detaining them in other locations.⁹ The memo and FAQ also emphasize that many targets of such arrests constitute a public safety threat, describing them as "criminals and fugitives" and their apprehension in areas screened for weapons as necessary steps to protect the public.
- Expressing its intention to "avoid alarming the public," ICE asserts in its memo that courthouse arrests are operations against "specific, targeted aliens," and do not aim to arrest family members or friends accompanying them except "under special circumstances." Federal agents "will make every effort to limit their time at courthouses," the policy insists, and the arrests themselves "should, to the extent practicable, take place in non-public areas of the courthouse, be conducted in collaboration with court security staff, and utilize the court building's non-public entrances and exits."

However, reports from other states suggest that there may be reasons to question the accuracy of these characterizations. Data collected by the Immigrant Defense Project in New York, for example, found that 28% of those arrested in New York had no criminal history and that of those facing criminal charges, 80% were appearing for violations and misdemeanors.¹⁰ What's more, media reports have highlighted courthouse arrests of crime victims and others appearing in court

⁸ Detainers are documents which ask jails to hold inmates in custody beyond the time they would normally serve in order to hand them directly to ICE. This practice was found to be a violation of the Fourth Amendment to the U.S. Constitution by a federal magistrate judge in the 2014 *Miranda-Olivares v. Clackamas County* decision. Several courts have found that holding people on the basis of detainers is illegal and makes the locality subject to liability. See, for example, [this recent decision](#) by the Second Circuit Court of Appeals, which could result in liability for New York City and the federal government related to the use of detainers.

⁹ See ICE's [FAQ on Sensitive Locations and Courthouse Arrests](#): "Courthouse arrests are often necessitated by the unwillingness of jurisdictions to cooperate with ICE in the transfer of custody of aliens from their prisons and jails...Individuals entering courthouses are typically screened by law enforcement personnel to search for weapons and other contraband. Accordingly, civil immigration enforcement actions taken inside courthouses can reduce safety risks to the public, targeted alien(s), and ICE officers and agents."

¹⁰ Immigrant Defense Project, "[The Courthouse Trap: How ICE Operations Impacted New York's Courts in 2018](#)", January 2019.

in an attempt to protect *against* violence—including apprehensions of those in court to seek protection orders against abusers.¹¹

In an attempt to document what is happening in Washington State, and to explore its human rights consequences, in 2019 the University of Washington Center for Human Rights began a study of the immigration arrests at courthouses in our state. This project is currently in its early stages; the present report should be understood as a preliminary presentation of findings, to be further updated as additional data becomes available. As explained below, our research draws data from a range of sources, including public records requests at the local and federal level; media coverage; and reports by eyewitnesses, community members, and legal advocates about arrests involving specific individuals known to them. Where possible, we corroborate data through multiple sources. We also incorporate insights from academic studies involving fear and its impact on access to justice, particularly among immigrant populations, and surveys conducted by advocacy organizations working to end domestic violence in Washington.

This report is divided into three sections. We explore the extent of courthouse arrests in our state; the specific circumstances of the arrests, where known; and the human rights concerns surfaced by this practice in our communities.

I. Extent of ICE/CBP enforcement at/near courthouses

In order to assess the impact of these arrests on human rights, it is important, first, to understand whether they are isolated or systematic practices: are they happening across the state? Are they occasional or frequent occurrences? Whom do they target, and how?

Yet answering these questions poses a significant challenge, first and foremost because the only entity that possesses comprehensive records of all such arrests—the Department of Homeland Security—refuses to share them. ICE claims that it does not track how many arrests occur at courthouses.¹² Though the agency's policy stipulates that all such operations should be documented using a Field Operations Worksheet which specifically notes the operation as targeting a courthouse,¹³ the agency has told UWCHR researchers that these documents are not

¹¹ For example, ICE apprehended a victim of human trafficking in a Human Trafficking Intervention Court in New York; a Michigan father attending family court to seek custody of his kids to protect them from their mother's abusive partner; an El Paso, TX woman seeking a protective order against an abusive ex-husband; and a woman and her son in Charlotte, GA following a hearing related to a domestic violence charge

¹² See Nicholas Pugliese, "New rules seek to limit ICE arrests in N.J. courthouses", Whyy.org.

¹³ See the January 10, 2018 policy memo, which reads, in part, "ICE officers and agents will document the physical address of planned civil immigration enforcement actions in accordance with standard procedures for completing operational plans, noting that the target address is a courthouse... ICE maintains records generated pursuant to this policy, specifically the Field Operations Worksheets (FOW) and Enforcement Operation Plan (EOP)."

compiled or tracked in any way that would permit the release of aggregate data about courthouse arrests under FOIA. Similarly, while agency records such as I-213s¹⁴ state the location at which each individual arrest is made, to date the agency has maintained that the location of arrests are exempt from disclosure under FOIA Exemption (b)(7)(E), which allows the withholding of information compiled for law enforcement purposes that would disclose the “techniques and procedures” or “guidelines” for “law enforcement investigations or prosecutions.”¹⁵ The UWCHR is currently engaged in litigation against DHS precisely for access to these forms of documentation.

While we continue to contest these dubious interpretations of the agency’s responsibilities under FOIA, we have launched an effort in the interim to gather as much information as possible from other sources to shed light on the extent of courthouse arrests in our state. To date, we have collected data from multiple sources: ICE and CBP records, obtained through FOIA;¹⁶ records from county governments in Washington state, released under the Washington Public Records Act, federal court records,¹⁷ obtained through PACER; reports shared with advocates and

¹⁴ I-213 Record of Deportable/Inadmissible Alien forms are used by DHS to establish an individual as eligible for removal. Information included on the form includes “the respondent’s biographic information; date, place, time, and manner of entry to the United States; immigration record and any history of apprehension and detention by immigration authorities; criminal record, if any; family data; any health or humanitarian aspects; and disposition (whether or not an NTA [Notice to Appear] is to be issued).” For more information, see Collopy, Crow, and Sharpless, “Challenges and Strategies Beyond Relief”, 2014.

¹⁵ In response, for example, to our appeal of this practice by CBP, the agency argued that “The withheld location information would reveal significant of station-level operational details related to the law enforcement guidelines, techniques and procedures that are used when handling threats at U.S. borders, specifically the determination of strategies to combat against the entry of undocumented aliens and contraband into the country. These law enforcement guidelines, techniques and procedures have been withheld in order to protect CBP’s methods in evaluating and processing potential threats at the United States’ borders. Disclosure of the alien interdiction locations at or near each station, coupled with information already available to the public, including the location of each station and the specific focus and operations of each station, would give undocumented aliens the ability to circumvent and exploit less resilient stations.”

¹⁶ Under FOIA, the UWCHR has requested various sets of records that, if released, could reveal when and where ICE and CBP apprehend people at courthouses. CBP has released some apprehension records, but the locations are redacted, rendering the documents useless for answering questions about courthouse arrests specifically. ICE has declined to release any records that specify arrest locations. As of this writing, we are in discussions with both agencies for access to a representative sample of I-213s (the forms the agencies fill out upon apprehending an immigrant); these would include location information, but their usefulness for this study is limited given that, due to sampling, they might or might not contain records of courthouse arrests in particular. We have also sought records of Field Operations Worksheets—documents used to secure supervisor authorization for a given enforcement operation—for a number of known courthouse arrests, and records of correspondence between ICE’s Regional Director and subordinates, to shed light on the circumstances in which such operations are planned and authorized within the agency. All of these requests are pending.

¹⁷ UWCHR researchers read and coded PACER records for 548 cases in which an individual was federally prosecuted for immigration violations in the state of Washington from January 2016 - July 2019; this involved 209 prosecutions for illegal reentry (1326) in the Western Washington district and 391 in Eastern Washington; and 20 prosecutions for illegal entry (1325) in the Eastern Washington district. Case files for prosecutions in Western Washington include a sworn statement detailing the manner in which the defendant was apprehended; in 10 cases, all of them in the Western Washington district, this narrative specified a detention at or near a courthouse. As sworn legal declarations, these are highly reliable data sources, yet they only represent a minority of all courthouse arrests, because not all of those arrested at a

community organizations;¹⁸ and media coverage.¹⁹ Some of the reports received are more comprehensive than others. Court documents, for example, present sworn testimony about the apprehension of specific individuals in ways that permit secondary corroboration, whereas eyewitness accounts are sometimes limited to a description of an event involving unnamed individuals, and can be more difficult to verify. In this report, we note the source of all data, so that its reliability can be evaluated by readers.

To date, we have documented 49 reported arrests at courthouses since 2016, occurring in 16 counties across the state; 24 in Western WA, and 25 in Eastern WA. (For a table listing these cases, see the Appendix to this report.) This undoubtedly captures only a fraction of overall arrests. However, **the dispersion of documented arrests across the state suggests that the practice is widespread**, a characterization also upheld in public statements by ICE authorities in Washington.²⁰ At the same time, reports suggest that courthouse arrests may be concentrated in certain jurisdictions, especially Grant County, which accounts for almost a quarter of reported courthouse arrests since 2016. The next most frequent locations are Adams and King counties.

courthouse are subsequently federally prosecuted, and even in cases where they are federally prosecuted, many prosecution records, especially those from the Eastern district, do not specify the location of arrest.

¹⁸ Concerned about this practice, a number of human rights organizations began compiling data reported to them about courthouse arrests; the Washington Defender Association and the Washington Immigrant Solidarity Network shared internal records with us that included first-person accounts by those who witnessed courthouse arrests as well as secondhand reports by family members or attorneys of those detained. The arrests documented by these organizations likely represent only a small portion of those taking place: many arrests are not witnessed, in part because agents wear plainclothes and drive unmarked vehicles, and of those that are, it is impossible to know how many witnesses have connections to these organizations and choose to report what they saw. These accounts vary in detail and are not always possible to corroborate using secondary sources. We have also corresponded with lawyers from the Northwest Immigrant Rights Project and other organizations about select cases involving their clients.

¹⁹ Journalists from Crosscut, the Olympian, the Columbian, and other local media have reported on courthouse arrests. Where possible, we have sought to confirm the accuracy of these accounts through other sources.

²⁰ See for example a [May 2019 interview with ICE Seattle acting field director Bryan Wilcox](#) by conservative talk radio and podcast host Lars Larson.

II. Specific circumstances of arrests

As ICE's own statements on this practice note, the concerns around courthouse arrests stem not only from the fact that they are happening, but from the specific manner in which they occur. As a result, we sought to examine who is being targeted, and how and where they are being identified and apprehended. Here, too, obtaining across-the-board data is impossible without access to DHS records, yet our research permits a glimpse into the overall phenomenon through the individual cases we have been able to document thus far.

Most eyewitness reports describe the presence of individuals in plainclothes later identified as immigration enforcement observing hearings in the courtroom and/or surveilling court attendees in waiting areas. To carry out the arrest, multiple agents, typically in plainclothes, surround the targeted person, arresting them quickly and placing them in a vehicle which is usually described as unmarked. A minority of accounts mention the use of force by arresting agents. Due to the use of plainclothes and unmarked vehicles, it is often difficult for eyewitnesses to know whether ICE or CBP is the agency performing the arrest. In multiple cases reported by lawyers and advocates, the arresting agents reportedly refused to give their names or show warrants, even when asked by the arrestee's attorney. In some cases, agents briefly flashed agency badges.

Some eyewitness accounts describe chaotic, confusing scenes. For example, the partner of a man arrested by ICE on June 20 outside the Thurston County Superior Courthouse described troubling use of force by immigration enforcement agents in a statement provided by her lawyer to The Olympian's Sara Gentzler: "After the hearing, (name redacted) and I were walking just outside of the courthouse back to the car when he was attacked and taken away right in front of me by men in everyday clothes...I was scared. (Name redacted) had had a concussion a few months earlier, and one of the men hit him hard in the back of the head."

Similarly, in an account shared with UWCHR researchers by a legal advocate, a witness described seeing multiple attempted arrests on September 26, 2019 at Grant County Courthouse in Ephrata, Washington. He reported that he entered the main entrance of the courthouse at approximately 9:55 a.m, noticing a light tan Tahoe was parked on the side of the court house with a man waiting in the driver's seat. As he approached the front main entrance, he saw a young latinx man in handcuffs being forcefully and quickly escorted, almost dragged, to the light tan Tahoe by a man in plainclothes who put him in the back seat of the vehicle. When he emerged from the courthouse later, the same ICE officer he had seen earlier was now chasing another young latinx man around the grounds of the courthouse, with the Tahoe speeding around the corner toward them. At least one person, the client of the legal advocate who shared this account, was arrested by immigration authorities at the courthouse on that day.

As this account suggests, while some arrests take place in courthouses themselves, others occur in parking lots or surrounding areas, or even while the targeted person is driving away from the courthouse. Indeed, while ICE's policy statements refer only to "arrests *in* courthouses" or "*at* courthouses," this is far too limited a framing to capture the phenomenon itself or the concerns it

generates: while arrests of those driving away from courthouses do not take place on courthouse property, they are inextricably linked to the court because the person's appearance in court is key to their identification and subsequent apprehension. That identification can involve agents matching the person to photographs they bring with them, or their witnessing the target identifying themselves in proceedings before the court, as appears to be the case in the below excerpt from an individual's I-213, which, with permission, her attorney shared with UWCHR researchers.

Figure 1: I-213 form documenting arrest by CBP at Othello District Court

ENCOUNTER/ARREST:
During the commission of their duties, agents from the United States Border Patrol, Spokane Border Patrol Station learned that [REDACTED] would be appearing before the Othello District Court in criminal proceedings.

[REDACTED] was positively identified in court. [REDACTED] was encountered by Border Patrol Agent Nunez, who upon the encounter identified himself as a United States Border Patrol Agent (BPA). BPA Nunez asked [REDACTED] as to her citizenship. [REDACTED] stated that she was born in [REDACTED] Mexico. [REDACTED] was asked if she had immigration documents to visit, work or reside in the United States. [REDACTED] stated she did not have any immigration documents at all. [REDACTED] freely admitted to having entered into the United States illegally in 1993 near San Ysidro, California. BPA Nunez arrested [REDACTED] for being illegally in the United States and transported her to the Spokane Border Patrol Station for further interview and processing.

IDENTIFICATION:
[REDACTED]'s biographical information, fingerprints, and photo were submitted into the E3/IDENT/IAPIS databases. Fingerprint analysis revealed no prior immigration history.

Signature: JOSE NUNEZ	Title: Border Patrol Agent
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4 of 5 Pages

Form I-831 (Continuation Page) (Rev. 08/01/07)

Consistent with ICE's stated policy, most courthouse arrests do appear to be of specifically targeted individuals; we have received no information about "collateral arrests" of family or friends who were also present at the time. (On the other hand, the below narrative from an I-44 form released to UWCHR by CBP under FOIA suggests that agents may sometimes visit courthouses opportunistically, to observe proceedings without advance planning.²¹)

²¹ It may be relevant to note that this document is from CBP, rather than ICE, and the agency may not have had then (or have now) a policy requiring advance planning of courthouse operations as described in ICE's 2018 directive; it is unknown whether CBP issues its officers any policy guidelines regarding courthouse arrests.

Figure 2: DHS I-44 form documenting courthouse surveillance and arrest by CBP, January 18, 2017

U.S. Department of Homeland Security		Continuation Page for Form <u> I44 </u>	
Alien's Name (b) (6), (b) (7)(C)	File Number Event No: (b) (7)(E)	Date 01/18/2017	
<p>ASSISTING ASSETS: ----- None</p> <p>Narrative Title: Report of Apprehension or Seizure</p> <p>On Wednesday, January 11, 2017, Detective (b) (6), (b) (7)(C) and I (b) (7)(E) (b) (7)(E) wa (b) (7)(E) (b) (7)(E) (b) (7)(E) We were attempting to locate and arrest an adult male by the name of (b) (6), (b) (7)(C) (b) (7)(E) (b) (7)(E) we know (b) (6), (b) (7)(C) s a (b) (7)(E) (b) (7)(E) (b) (6), (b) (7)(C) also had (b) (6), (b) (7)(C)</p> <p>Detective (b) (6), (b) (7)(C) and I were unable to locate and arrest (b) (6), (b) (7)(C) we decided to drive to the (b) (7)(E) County Courthouse to sit through court proceedings for some of our older cases. As we were driving north on (b) (6), (b) (7)(C) a black Mitsubishi passenger car (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) passed us in the southbound lane. I was able to get a good look at the driver assenger. The driver of the vehicle was (b) (6), (b) (7)(C) and the passenger was (b) (6), (b) (7)(C) Detective (b) (6), (b) (7)(C) contacted (b) (7)(E) and verified that (b) (6), (b) (7)(C) had two confirmed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)</p>			

While the arrests in question do appear targeted, the individuals they seek do not always fit DHS' characterizations that they constitute public safety threats. Many arrestees were attending proceedings relating to traffic matters, such as charges of operating a vehicle without a license or trip permit violations. Even among those facing more serious charges, two arrests in Clark County and one in Grant were of individuals with no prior convictions attending a pre-trial hearing, and thus entitled under the U.S. Constitution to a presumption of innocence.

Many individuals had U.S. citizen children or spouses, some of whom accompanied them to court and witnessed their arrest. In at least one case, the person arrested was raising her children as a single parent following the prior deportation of a spouse. For example, a caller to the Washington Immigrant Solidarity Network's hotline reported that a woman was arrested on October 17, 2018 after attending court in Othello, Adams County, as a result of a traffic accident. She was the primary caretaker of her five children, ranging in age from 10 months to ten years of age; the children's father had been deported to Mexico a year before.

III. Human rights concerns

Many justice practitioners object to federal immigration agents conducting civil enforcement activities in courthouses on the grounds that such practices produce a “chilling effect” that discourages immigrant communities from accessing justice. There are some particular rights concerns that emerge as a result of courthouse enforcement, and some empirical evidence—from Washington state as well as nationally—that suggests these concerns may be well-founded.

Access to justice and due process

Where individuals fear apprehension in court on immigration charges, they may be deterred from participating in the legal process, even to defend their own rights in cases where they are accused of crimes. This presents a threat to due process rights, which under the U.S. Constitution should apply to all people, regardless of nationality.

The aforementioned cases of individuals detained at pre-trial hearings paint this dilemma in particularly stark relief. These people appeared in court in an attempt to defend themselves against charges brought against them, but were arrested by ICE/CBP before they were able to do so. Immigration detention often interrupts access to defense attorneys and may block defendants’ ability to appear in subsequent proceedings to defend themselves.

Fearing such consequences, those vulnerable to deportation may choose not to appear in court at all, even where this creates cascading adverse consequences for them. Indeed, courthouse enforcement can contribute to the further criminalization of immigrants by creating a disincentive for them to comply with legal requirements that they appear in court to pay fines or resolve other matters. In some cases, these initial requirements stem from very minor violations, but immigrants’ reticence to appear in court can trigger far more serious consequences.²²

For example, *Juan Rodriguez*²³ was convicted of unlawful entry in Arizona in 2013, but subsequently returned to the U.S.. He was pulled over in Vancouver, Washington, in February 2017 because he was driving with a temporary trip permit displayed upside-down in the window of a recently-purchased vehicle, and charged with Trip Permit Violation²⁴ in Clark County District Court. Federal court documents show that ICE agents observed him at the Clark County Courthouse on his scheduled hearing date, but he then left the court before the hearing began, likely upon noticing their presence. The Clark County Sheriff subsequently issued a warrant for Failure to Appear, and he was arrested and booked into jail. He was released, sentenced in Clark County District Court to two days of partial confinement at the Mabry Work Program, administered by the district court; on his final day of service, Mabry officials notified ICE, who arrived to

²² For example, failure to appear for court risks an additional criminal charge (and possible conviction) under RCW 9A.76.170’s Bail Jumping statute. In turn, such a conviction is most often classified as an “aggravated felony” under immigration law, almost always resulting in permanent banishment from the U.S. See 8 USC 1101(a)(43)(Q) and (T).

²³ To protect this individual’s privacy, we refer to him here by a pseudonym.

²⁴ [RCW 46.16A.320.6](#)

apprehend him. With only two misdemeanor convictions—for unlawful entry and Trip Permit violation—he was federally prosecuted for illegal reentry and sentenced to serve two months and one week in federal prison prior to his deportation.

Unequal protection

Numerous national studies have denounced the degree to which the perceived collaboration in immigration enforcement by government agencies charged with upholding public safety has led to greater vulnerability in immigrant communities. For example, researchers in other states have found a growing reluctance to call for emergency assistance,²⁵ to seek legal relief,²⁶ and to bring charges against abusers.²⁷

Particular concerns arise around gender-based violence, since many such crimes are systematically underreported by victims, even without the particular vulnerabilities of undocumented people. Advocates and law enforcement have noted a decline in reports of sexual assault and domestic violence among latinx populations nationwide following the 2016 presidential election, including downturns as sharp as 40% in Houston and 10-25% in Los Angeles, as reported by local police departments.²⁸

In May 2019, a coalition of national organizations working to end domestic violence, sexual assault and human trafficking conducted a survey of advocates and attorneys to gauge the impact of heightened immigration enforcement on their clients. Some sixty percent reported that survivors of domestic violence and sexual assault were increasingly contacting them with concerns about their legal status; three out of every four advocates surveyed reported that “immigrant survivors have concerns about going to court”, and 52% said that their clients had dropped civil or criminal cases because of fear of immigration consequences. While these findings are national in scope, Washington was among the states surveyed, and local findings conform to the trends identified nationally.

In a July 2019 survey of approximately 100 domestic violence legal advocates in Washington state conducted by the Washington State Coalition Against Domestic Violence (WSCADV),²⁹

²⁵ See Tom K. Wong, Karina Shklyan, Anna Isorena, and Stephanie Peng, “[The Impact of Interior Immigration Enforcement on the Day-to-Day Behaviors of Undocumented Immigrants](#)”, April 3, 2019, U.S. Immigration Policy Center. Wong et al surveyed a sample of undocumented immigrants and found that respondents were less likely to report crimes they witnessed or were a victim of to police when told that local law enforcement are working with ICE for federal immigration enforcement.

²⁶ See Catalina Amuedo-Dorantes and Esther Arenas-Arroyo, “[Immigration Enforcement, Police Trust, and Domestic Violence](#)”, March 16, 2019. Amuedo-Dorantes and Arenas-Arroyo find that increased immigration enforcement reduces rates of self-petitions for legal status by domestic violence survivors under the Violence Against Women Act.

²⁷ In a 2019 survey conducted by a coalition of seven national organizations, of more than 500 advocates and attorneys working with immigrant survivors of domestic violence and sexual assault, three out of four service providers reported that immigrant survivors had concerns about going to court. See a [press release](#) and [key findings](#) from the survey.

²⁸ See <https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-abuse.html>

²⁹ A copy of this survey, which has not been made public, was shared with UWCHR by WSCADV.

97% of advocates reported that the immigrant survivors they work with are fearful of contacting police to report domestic violence, with most reporting that their clients “worry ICE/immigration will get involved” or that they could risk losing their children, their abusive partner, or other family members to deportation as a result of contacting the police. Additionally, 78% of advocates reported to WSCADV that immigrant survivors have concerns about seeking civil protection orders due to the possible presence of immigration authorities at the court. 83% of advocates reported that immigrant survivors they worked with had dropped civil or criminal cases related to abuse due to fear; the most common reason cited for this fear (73%) was concern about alerting immigration authorities.

Similarly, in a national survey of judges, which included Washington state, a majority (54%) of participants in 2017 reported that cases in their court were interrupted because immigrant victims were afraid to come to court—up from 45% in 2016. And nationwide, the study found that the vast majority (88-94%) of judges reported concerns about the impact of immigration enforcement on access to justice for immigrant victims and witnesses.³⁰

If anything, this suggests that courthouse arrests may have a negative impact on public safety—and not only for immigrants. While fear of deportation is concentrated among immigrant communities, when survivors of crime are afraid to report incidents or press charges against their abusers, the effects radiate outwards and affect all Washingtonians. Further, public safety also relies on the integrity and credibility of the justice system as a forum to prosecute and defend against alleged criminal offenses. Everyone’s safety depends upon ensuring equal protection to all those who suffer violence.

³⁰ Rafaela Rodrigues, Amanda Couture-Carron, and Nawal H. Ammar. Promoting access to justice for immigrant crime victims and children. https://www.ncjfcj.org/sites/default/files/cpo_guide.pdf

IV. Collaboration by local officials

It is legally challenging for state and local authorities to prevent federal law enforcement agencies from operating in public places, including courthouses. However, they can more readily curtail the extent to which state or local institutions collaborate in immigration enforcement involving the courts. Concerned by the aforementioned indications that courthouse arrests imperil access to justice, a number of states have undertaken efforts to do this.

Different states have adopted different approaches. For example, in October 2018, California's Attorney General, responding to a mandate from the California State Legislature, developed [guidelines for state superior courts](#) with the goal of limiting involvement in immigration enforcement. In New York, the Office of Court Administration [issued a court rule](#) in April 2019 that prohibits ICE from arresting immigrants inside courthouses without a judicial warrant or order, and the New York's state legislature considered the Protect our Courts Act, developed by the Immigrant Defense Project as model legislation to regulate enforcement activity at courthouses. In May 2019, New Jersey's Chief Justice [issued a directive](#) restricting collection of data regarding immigration status by courts, and setting standards for court employees, including court security, regarding interactions with immigration agents. And most notably, in Massachusetts a group of prosecutors and public defenders sued the federal government over courthouse arrests, resulting in a June 2019 [preliminary injunction blocking civil immigration arrests](#) of people going to, attending, or leaving Massachusetts state courthouses.

In Washington, too, state and local authorities have made numerous efforts to ensure the rights of immigrant communities, even in cases where federal agencies may violate them. Numerous jurisdictions have adopted practices to limit collaboration with federal immigration enforcement. In 2019, the Washington state legislature passed the Keep Washington Working Act ([SB 5497](#)) to extend some of these protections statewide. In light of this, we took a closer look at three counties where advocates expressed particular concern regarding courthouse arrests—Adams, Clark, and Grant—to gauge the extent of local collaboration with immigration enforcement involving courthouses, and the likelihood that Keep Washington Working will address the problem.

We found evidence of varying degrees of assistance provided by local authorities in courthouse immigration arrests by ICE/CBP. In some counties—Clark, for example—court dockets are publicly accessible online, enabling their use for immigration enforcement without direct contact with local government employees. In others, we found evidence of more active collaboration, including: formal agreements to share court dockets; sharing of information about defendants, including court dates, at the request of immigration officers; and proactive flagging of specific defendants for review by immigration enforcement.

Agreements to share court dockets for day-to-day review

In Grant County, formal agreements appear to exist between county officials and CBP, whereby the former share daily court dockets with immigration authorities to facilitate courthouse arrests. This appeared to result from a January 24, 2018 meeting between Grant County Prosecutor Garth Dano and CBP agent Thomas D. Watts. Following the meeting, Dano wrote to Watts, "Tom, it was great meeting you and the fellas today. [...] Look forward to your help here in Grant county," to which Watts replied, "It was great meeting you today as well. I look forward to working together in a mutually beneficial relationship." (See Appendix II, Record 1 below.)

In an exchange of emails following this meeting, Watts sent Grant County employees the email addresses of several CBP officers who he says "will be heavily involved in the day to day docket review." (See Appendix II, Record 2 below.) Indeed, records released to UWCHR show that employees of the Grant County Prosecuting Attorney's office began to forward calendars for upcoming dockets at the Moses Lake and Ephrata courthouses to the CBP agents the next day, January 25, 2018.³¹

In subsequent weeks, CBP agent Watts sent updates regarding courthouse arrests to employees of the Grant County Prosecuting Attorney's office; for example, on February 14, 2018, Watts wrote to Deputy Prosecuting Attorney Chad A. Jenks, "Just wanted you to know we have picked up three already this week. This program is a success, I feel. In addition, we've developed several targets off criminal aliens that have skipped their court dates. We'll get them as well. :)" When Jenks copied his supervisor Garth Dano on his response to Watts, Dano chimed in, "Great news Tom -garth." Later, on February 23, 2018, Watts replied to an emailed court docket with another update: "By the way, we picked up three more yesterday morning. It's been fun. :)" (see Appendix II, Records 3-4 and 5, below).

These practices are not limited to Grant County, however. In Adams County, correspondence obtained through public records requests suggests that the Adams County Prosecuting Attorney's office also routinely sent court dockets to a list of CBP officers (see Appendix II, Record 6 below).³²

Sharing information about specific individuals

The Grant County Sheriff's Office and the Grant County Prosecuting Attorney's office also sent emails directly to ICE Deportation Officer (DO) Jaimie Waite regarding specific individuals' court dates, including details about their cases (see Appendix II, Record 7 below). In some cases, this information was shared following specific requests by DO Waite, or in regards to defendants whose immigration status was a relevant factor in their prosecution, such as "Alien in Possession of a Firearm" cases. But in others, employees of the Grant County Prosecutor's office proactively

³¹ We note that the earliest reported courthouse arrests by ICE/CBP in Grant County included in the Appendix to this report occurred in February 2018.

³² A public records request for email correspondence between employees of the Adams County Sheriff's Office and ICE/CBP officials from November 1, 2017 to April 29, 2019, submitted by UWCHR in April 2019, remains pending as of the date of this preliminary report.

reached out to DO Waite to send him information about defendants, including where the defendant's immigration status was not pertinent to the charges in question. Given that all of the defendants whose information was shared with DO Waite have Latinx surnames, and that some were US citizens with latinx surnames (see Appendix II, Record 8), these communications raise concerns about possible ethnic profiling.

Confirming whether this information-sharing led to actual arrests is impossible without accessing ICE/CBP's own records. In at least one case, an individual whose court date was proactively shared with DO Waite by a Grant County Prosecutor's office employee in December 2017 was shortly thereafter booked into Yakima County jail as an immigration detainee under the jail's intergovernmental service agreement with ICE. But Yakima County Jail records do not specify the location of his arrest; if he were arrested at a Grant County courthouse, only ICE records would contain this information. UWCHR is currently in litigation with ICE for access to such records.

In at least one case—the aforementioned one of Juan Rodríguez, federal court records show that officials from Mabry Work Crew, a court-operated work program in Clark County, notified ICE that Mr. Rodríguez was completing his scheduled service, and they showed up and arrested him in the lobby of the Mabry facility.

In recognition of the detrimental consequences of the active involvement of local law enforcement in federal immigration enforcement, the legislature included significant prohibitions on such collaboration in the Keep Washington Working Act. While numerous Washington counties had already adopted many of these prohibitions, for others, implementation of this new law will necessitate significant changes to policy and internal culture. The new law became effective on May 21, 2019 and requires the Attorney General to publish model policies to implement its provisions within 12 months. Local law enforcement agencies will be required to adopt these policies or provide the Attorney General with their alternative policies for complying with the law.

Yet initial monitoring and enforcement of this new law is likely to be a challenge, since as the following example suggests, much of this communication between ICE and local law enforcement and prosecutors takes place behind the scenes. Community members, advocacy organizations and state and local governments are already engaged in promoting interim policies for local law enforcement agencies to implement Keep Washington Working's provisions. Once the Attorney General's policies are released, jurisdictions that fail to implement effective policies and who continue to collaborate with ICE and CBP's immigration enforcement actions will face an increased risk of legal action and liability.

Keep Washington Working does not expressly limit collaboration between prosecutors and immigration authorities³³ of the sort happening in Grant County, although such collaboration does undermine the intent of the legislature and the Governor in making the Keep Washington Working Act the law in Washington State, and it can be argued that the law's provisions implicitly include

³³ In Massachusetts, prosecutors and public defenders joined together to contest ICE's arrest of immigrants in courthouses, but in Washington, at least some prosecutors have been directly supportive of such practices.

prosecutorial conduct. As such, the law's passage may have a limited impact on curtailing current practices in this regard. Whether it will be an effective tool to limit prosecutor engagement with ICE and CBP, or whether other means will be necessary to do so, remains an open question.

Additionally, ICE's stated policy of "coordinating with courthouse security" and conducting civil immigration arrests in non-public areas of courthouses raises questions about the extent to which the federal immigration enforcement is commandeering resources provided through local government in apparent contravention of Washington's new law. Again, documenting such practices is difficult, since only ICE/CBP have access to records of these arrests. But some measures can be taken to, at minimum, instruct security officers on the appropriate boundaries of their interaction with federal agents. UWCHR's preliminary research has found that contracts for courthouse security do not currently offer any guidelines for how to interact with immigration enforcement.³⁴

Lastly, in many cases the collaboration of local government with immigration enforcement is passive rather than active. Digital tools made available by many local governments may facilitate ICE/CBP's identification of apprehension opportunities in courthouses. These include the online posting of daily court dockets, such as in the case of Clark County Superior Court and Clark County District Court; public jail rosters; and the sharing of information to federal databases which can be accessed for civil immigration enforcement.³⁵ The availability of these digital tools is uneven across the state; in light of the deleterious effects of courthouse arrests, guidelines for their appropriate use could be helpful.

³⁴ See for example Grant County's security service agreement with a private security contractor.

³⁵ For this reason, some other jurisdictions like King County Sheriff's Office have decided to suspend information-sharing with federal databases.

Conclusion

Our research shows that ICE's justification of courthouse arrests do not hold up to scrutiny based on what we know about the practice in Washington state.

First of all, as noted above, ICE claims that courthouse arrests are necessary public safety measures, both because the arrests target individuals who represent a threat to public security, and because now that fewer jails are collaborating with ICE detainers, courthouses present a weapons-free zone where arrests can be conducted more safely than at large in the community. Our research shows this reasoning is flawed on both counts. Many of the individuals apprehended at courthouses in Washington state had no prior criminal convictions, and/or were appearing in court on nonviolent charges, including, frequently, traffic offenses; their designation as public safety risks is questionable. Furthermore, many of these individuals were apprehended outside the courthouse itself, where their access to weapons would not be restricted anyway. And lastly, the counties where courthouse arrests are reportedly most frequent are precisely those where current local authorities collaborate *most* with federal immigration enforcement³⁶. Far from being a response to the limitations imposed by so-called “sanctuary” provisions, and a necessary means to protect officers and the public from dangerous individuals, courthouse arrests appear to be taking place because they are convenient for ICE and CBP: when it's publicly known where and when immigrants attending to matters of justice will appear, apprehending them in those places is easy and efficient.

Second, ICE acknowledges that courthouse arrests can generate alarm; its policy memo suggests that agents should refrain from conducting courthouse arrests in public view, and presumably, the use of plainclothes agents and unmarked vehicles is intended to render these operations less visible. But far from increasing safety, secret-police-like practices raise a host of deeply troubling issues and render us all more vulnerable. If anything, secrecy surrounding courthouse arrests may augment their corrosive impact on immigrants' trust in the judicial system.

ICE's assertion that concealing itself—the agency calls it “operating discreetly”—will avoid sowing fear is fundamentally wrongheaded. As the aforementioned studies show, alarm is already widespread among the immigrant community, for whom widely-reported courthouse arrests generate waves of fear registered throughout the nation. What's more, recent arrests in Washington state—such as the June 20, 2019 incident in which plainclothes agents wrestled a man to the ground outside a courthouse in Thurston County, described by Judge Buckley described as “having all the lookings of a kidnapping”—call into question what exactly ICE means by “discreet”.

Lastly, by making accountability near impossible, secrecy facilitates abuse. In several of the accounts we reviewed, indications of potential misconduct arise, including ICE/CBP officers

³⁶ We refer here to practices like complying with ICE/CBP detainer requests, allowing ICE/CBP agents to interview inmates in local jails without a lawyer present, and notifying ICE/CBP of the date and time an inmate will be released. All of these forms of collaboration are prohibited under Keep Washington Working, and will therefore cease as the law is implemented.

reportedly refusing to identify themselves; declining to present warrants; and eavesdropping on conversations between attorneys and their clients to discern a target's place of birth. ICE and CBP's failures to respond to lawfully submitted requests for documentation about known arrests show that this aversion to transparency is not the result of misdeeds by individual agents who defy scrutiny, but characteristic of the institution as a whole.

In this climate, it is not entirely surprising that accessing the courts has become an increasingly tenuous proposition among immigrant communities in our state. Community advocates and lawyers report that immigrants increasingly avoid going to court, frequently compromising their own safety, as well as their ability to participate in their own defense against criminal charges, in order to avoid the possibility of deportation. This undermines the fundamental mission of Washington Courts, which is to ensure access to justice for all. It also threatens trust in other public institutions essential to the rule of law, undermining the security of all Washington residents.

Appendix I: Reports of courthouse arrests by ICE/CBP in Washington state

Case #	Date ³⁷	City	County	Source ³⁸
Adams 1	7/13/2018	Othello	Adams County	WAISN
Adams 2	10/17/2018	Othello	Adams County	WAISN
Adams 3	11/10/2018	Othello	Adams County	WAISN
Adams 4	1/22/2019	<i>Not specified</i>	Adams County	WAISN
Adams 5	2/6/2019	<i>Not specified</i>	Adams County	WAISN
Adams 6	2/6/2019	Othello	Adams County	WAISN
Adams 7	2/24/2019	Ritzville	Adams County	WAISN
Benton 1	4/29/2019	Kennewick	Benton County	WAISN
Clark 1	4/27/2017	Vancouver	Clark County	WDA, Media (Columbian)
Clark 2	10/1/2017	<i>Not specified</i>	Clark County	WDA
Clark 3	1/24/2018	Vancouver	Clark County	NWIRP
Clark 4	5/8/2018	Vancouver	Clark County	Court records
Clark 5	1/7/2019	Vancouver	Clark County	Public records
Clark 6	<i>Not specified</i>	<i>Not specified</i>	Clark County	WDA
Cowlitz 1	3/1/2019	Kelso	Cowlitz County	WDA
Franklin 1	3/11/2019	Pasco	Franklin County	WAISN
Franklin 2	4/1/2019	<i>Not specified</i>	Franklin County	WAISN
Grant 1	2/6/2018	<i>Not specified</i>	Grant County	WDA
Grant 2	2/22/2018	<i>Not specified</i>	Grant County	WDA
Grant 3	3/1/2018	Moses Lake	Grant County	WDA
Grant 4	3/27/2018	<i>Not specified</i>	Grant County	WDA
Grant 5	<i>Early 2019</i>	Ephrata	Grant County	NWIRP , Media (Crosscut)
Grant 6	3/18/2019	Ephrata	Grant County	WDA, Media (Crosscut)
Grant 7	7/11/2019	Ephrata	Grant County	NWIRP

³⁷ In some cases, the date included here is the date that the incident was reported, not the date of the arrest itself. In addition to the likelihood of other, unreported cases, it is possible that some cases represented here may be duplicated.

³⁸ Cases sourced to the Washington Immigrant Solidarity Network (WAISN) include incidents reported via the network's rapid response hotline as well as arrests witnessed by WAISN volunteers; cases sourced to the Washington Defenders Association (WDA) were reported in response to a survey of public defenders and other attorneys who witnessed or received reports of courthouse arrests of their clients or other individuals; cases sourced to Northwest Immigrant Rights Project (NWIRP) and the ACLU of Washington include individuals represented by these organizations.

University of Washington Center for Human Rights - October 1, 2019
<https://sis.washington.edu/humanrights/2019/10/01/ice-cbp-courthouse-arrests/>

Grant 8	8/19/2019	Moses Lake	Grant County	WAISN
Grant 9	8/19/2019	Ephrata	Grant County	WAISN
Grant 10	8/20/2019	Ephrata	Grant County	WAISN
Grant 11	8/22/2019	Ephrata	Grant County	WAISN
Grant 12	9/26/2019	Ephrata	Grant County	Attorney report to UWCHR
King 1	5/5/2017	Kent	King County	Court records
King 2	8/2/2017	Seattle	King County	WDA
King 3	10/20/2017	Federal Way	King County	Court records
King 4	10/23/2017	Auburn	King County	WDA
King 5	10/30/2017	Bellevue	King County	Court records
King 6	12/31/2018	Seattle	King County	Court records, media reports (Patch)
Kitsap 1	10/19/2016	Bremerton	Kitsap County	Court records
Kitsap 2	11/16/2016	Bremerton	Kitsap County	Court records
Mason 1	3/16/2016	Shelton	Mason County	Court records
Mason 2	3/22/2018	Shelton	Mason County	Court records
Okanogan 1	10/12/2018	Okanogan	Okanogan County	WAISN
Pacific 1	3/4/2019	South Bend	Pacific County	ACLU
Pierce 1	1/12/2018	<i>Not specified</i>	Pierce County	WDA
Pierce 2	1/19/2018	Tacoma	Pierce County	Court records
Pierce 3	1/31/2018	<i>Not specified</i>	Pierce County	WDA
Skagit 1	9/13/2018	Mount Vernon	Skagit County	WAISN
Skagit 2	1/7/2019	Mount Vernon	Skagit County	WAISN
Spokane 1	10/15/2018	Spokane	Spokane County	WDA
Thurston 1	6/20/2019	Olympia	Thurston County	Public records, media (Olympian)
Yakima 1	4/1/2018	Yakima	Yakima County	WDA

Appendix II: Selected public records detailing local collaboration with ICE/CBP courthouse arrests

Record 1: Email correspondence between Garth Dano (Grant County Prosecuting Attorney) and Thomas D. Watts (CBP), January 24, 2018

From: WATTS, THOMAS D [mailto: [REDACTED]@cbp.dhs.gov]
Sent: Wednesday, January 24, 2018 4:28 PM
To: Garth Dano
Cc: Kevin J. McCrae; Kaye Burns; Chad A. Jenks; Alan White
Subject: RE: (No Subject)

It was great meeting you today as well. I look forward to working together in a mutually beneficial relationship.

You can reach out to me directly or to

[REDACTED]@cbp.dhs.gov

[REDACTED]@cbp.dhs.gov

if I can't provide immediate assistance.

Thanks again, Tom

From: Garth Dano
Sent: Wednesday, January 24, 2018 4:09:23 PM
To: WATTS, THOMAS D
Cc: Kevin J. McCrae; Kaye Burns; Chad A. Jenks; Alan White
Subject:

Tom, it was great meeting you and the fellas today. Could you all send me your phone and email info please. Look forward to your help here in Grant county

Record 2: Email correspondence between Kaye Burns (Grant County Prosecuting Attorney's Office) and Thomas D. Watts (CBP), January 24, 2018

From: WATTS, THOMAS D <[REDACTED]@cbp.dhs.gov>
Sent: Wednesday, January 24, 2018 4:48 PM
To: Kaye Burns; Garth Dano
Cc: Kevin J. McCrae; Chad A. Jenks; Alan White; ABBINK, BRIAN W; WEBB, MARC D
Subject: RE: (No Subject)

My apologies. You can use either email address for me. They both get to me. :)

As far as who to add to the distribution list, I would choose different names other than Agents Garcia and Clift. Please use the following addresses:

[REDACTED]@cbp.dhs.gov

[REDACTED]@cbp.dhs.gov

[REDACTED]@cbp.dhs.gov

They will be heavily involved in the day to day docket review.

Thanks,
Tom

From: Kaye Burns
Sent: Wednesday, January 24, 2018 4:37:52 PM
To: WATTS, THOMAS D; Garth Dano
Cc: Kevin J. McCrae; Chad A. Jenks; Alan White
Subject: RE: (No Subject)

Mr. Watts – I noticed your e-mail address is different than the one I was provided ([REDACTED]@dhs.gov). Could you please verify it for me so that I can forward our daily list to you? Also, do you wish the list to also be sent to the other two individuals you mentioned? Thank you.

Kaye Burns
Administrative Assistant
Grant County Prosecutor's Office
PO Box 37
Ephrata WA 98823
(509) [REDACTED]
(509) [REDACTED]
e-mail – [REDACTED]@grantcountywa.gov

Records 3-4: Email correspondence between Thomas D. Watts (CBP), Garth Dano (Grant County Prosecuting Attorney), and Chad A. Jenks (Grant County Deputy Prosecuting Attorney), February 14, 2018

From: WATTS, THOMAS D <[REDACTED]@cbp.dhs.gov>
Sent: Wednesday, February 14, 2018 2:29 PM
To: Chad A. Jenks
Subject: RE: 2.20 ML and 301 Calendars

Just wanted you to know we have picked up three already this week. This program is a success, I feel. In addition, we've developed several targets off criminal aliens that have skipped their court dates. We'll get them as well. ☺

Thanks again,
Tom

From: Garth Dano <[REDACTED]@grantcountywa.gov>
Sent: Wednesday, February 14, 2018 4:13 PM
To: Chad A. Jenks; WATTS, THOMAS D
Subject: RE: 2.20 ML and 301 Calendars

Great news Tom -garth

From: Chad A. Jenks
Sent: Wednesday, February 14, 2018 2:31 PM
To: WATTS, THOMAS D
Cc: Garth Dano
Subject: RE: 2.20 ML and 301 Calendars

Thanks Tom. Glad to hear that the laws are being enforced.

Chad A. Jenks
Deputy Prosecuting Attorney
District/Juvenile Division Supervisor
Grant County Prosecuting Attorney's Office
PO Box 37
Ephrata, WA 98823
Phone: [REDACTED]
Fax: [REDACTED]
[REDACTED]@grantcountywa.gov



Record 5: Email correspondence between Thomas D. Watts (CBP) and Chad A. Jenks (Grant County Deputy Prosecuting Attorney), February 23, 2018

From: WATTS, THOMAS D <[REDACTED]@cbp.dhs.gov>
Sent: Friday, February 23, 2018 10:03 AM
To: Chad A. Jenks
Subject: RE: Calendar for 3.01.2018 RM 301

No problem. By the way, we picked up three more yesterday morning. It's been fun. ☺

From: Chad A. Jenks [mailto:[REDACTED]@grantcountywa.gov]
Sent: Friday, February 23, 2018 9:52 AM
To: ABBINK, BRIAN W <[REDACTED]@cbp.dhs.gov>; WEBB, MARC D <[REDACTED]@cbp.dhs.gov>; WATTS, THOMAS D <[REDACTED]@cbp.dhs.gov>
Subject: FW: Calendar for 3.01.2018 RM 301

Sorry, was gone the last few days on vacation. Sending you some dockets.

Chad A. Jenks
Deputy Prosecuting Attorney
District/Juvenile Division Supervisor
Grant County Prosecuting Attorney's Office

From: KOLER, LOUIS V <[REDACTED]@cbp.dhs.gov>
Sent: Wednesday, April 10, 2019 12:01 PM
To: Helen Kenyon <[REDACTED]@co.adams.wa.us>
Subject: Contacts

Helen,

These are the current email addresses that we would like the dockets sent to. There will be a name change or two every 3-6 months as Agents switch responsibilities.
Thank you, we appreciate your assistance.

[REDACTED]@cbp.dhs.gov
[REDACTED]@CBP.DHS.GOV
[REDACTED]@cbp.dhs.gov
[REDACTED]@cbp.dhs.gov
[REDACTED]@CBP.DHS.GOV
[REDACTED]@CBP.DHS.GOV

Louis Koler

U.S. Border Patrol Agent

Spokane Border Patrol Station
10710 Newport Hwy, Spokane, WA 99218
(509) [REDACTED]

Record 6: Email from Louis V. Koler (CBP) to Helen Kenyon (Adams County Prosecuting Attorney's Office), April 10, 2019

From: KOLER, LOUIS V <[REDACTED]@cbp.dhs.gov>
Sent: Wednesday, April 10, 2019 12:01 PM
To: Helen Kenyon <[REDACTED]@co.adams.wa.us>
Subject: Contacts

Helen,

These are the current email addresses that we would like the dockets sent to. There will be a name change or two every 3-6 months as Agents switch responsibilities.
Thank you, we appreciate your assistance.

[REDACTED]@cbp.dhs.gov
[REDACTED]@CBP.DHS.GOV
[REDACTED]@cbp.dhs.gov
[REDACTED]@cbp.dhs.gov
[REDACTED]@CBP.DHS.GOV
[REDACTED]@CBP.DHS.GOV

Louis Koler

U.S. Border Patrol Agent

Spokane Border Patrol Station
10710 Newport Hwy, Spokane, WA 99218
(509) [REDACTED]

Record 7: Email from Janet Millard (Grant County Prosecuting Attorney's Office) in reply to Jaimie A. Waite (Deportation Officer, ICE), June 18, 2018

From: Janet Millard <[REDACTED]@grantcountywa.gov>
Sent: Monday, June 18, 2018 4:22 PM
To: Waite, Jaimie A
Subject: RE: [REDACTED]

Arrestment 7/2/18

From: Waite, Jaimie A [mailto:[REDACTED]@ice.dhs.gov]
Sent: Monday, June 18, 2018 2:13 PM
To: Janet Millard <[REDACTED]@grantcountywa.gov>
Subject: [REDACTED]

Can you tell me this fellows case number and next court date?

Thanks.

(FBI# [REDACTED] / AH [REDACTED]).

Jaimie Waite
Deportation Officer
301 Yakima Street – G28
Wenatchee, WA 98801

Record 8: Email from Jaimie A. Waite (Deportation Officer, ICE) in reply to inquiry from Alan White (Grant County Chief Deputy Prosecutor), September 11, 2018

From: Waite, Jaimie A <[REDACTED]@ice.dhs.gov>
Sent: Tuesday, September 11, 2018 3:25 PM
To: Alan White
Subject: RE: [REDACTED]

He is a US Citizen. I don't pick on US Citizens.

Thank you.

From: Alan White [mailto:[REDACTED]@grantcountywa.gov]
Sent: Tuesday, September 11, 2018 2:03 PM
To: Waite, Jaimie A <[REDACTED]@ice.dhs.gov>
Subject: [REDACTED]

Are you working on this gentleman?
Would your agency be following this case?
DOB: [REDACTED]

Has no FBI number, but a SSN.

He appeared to be employed, we do not have any prior record or DOL records on him

Alan White
Chief Deputy Prosecutor
Grant County Prosecutor Office

Record 9: Email from Sgt. Greg Knutson (Grant County Sheriff's Office) to Jaimie A. Waite (Deportation Officer, ICE), October 11, 2017

From: Greg Knutson <[REDACTED]@grantcountywa.gov>
Sent: Wednesday, October 11, 2017 5:37 PM
To: Waite, Jaimie A
Subject: have one

Yo Homie, call me tomorrow morning at 2487. Just booked a guy with a prior deportation for assault 4 dv. Should go to court around 1030. [REDACTED]. Using an alias of [REDACTED], DOB: [REDACTED]

FBI # [REDACTED], SID # [REDACTED]

Sgt. Greg Knutson, J9
Grant County Sheriff's Office
Gang Unit/Firearms Instr.
P.O. Box 37
Ephrata, Wa 98823
(509) [REDACTED]
[REDACTED]@grantcouthywa.gov

WASHINGTON STATE
BAR ASSOCIATION

**Proponents Proposed
Amended Language
(December 12, 2019)**

PROPOSED **AMENDMENT LANGUAGE** TO COURT RULE PROHIBITING CIVIL ARRESTS

1. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the person is inside a court of law of this state in connection with a judicial proceeding or other business with the court.
2. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the traveling to a court of law of this state for the purpose of participating in any judicial proceeding, accessing services or conducting other business with the court, or while traveling to return home or to employment after participating in any judicial proceeding, accessing services or conducting business with the court. Participating in a judicial proceeding includes, but is not limited to, participating as a party, witness, interpreter, attorney or lay advocate. Business with the court and accessing court services includes, but is not limited to, doing business with, responding to, or seeking information, licensing, certification, notarization, or other services, from the office of the court clerk, financial/collections clerk, judicial administrator, courthouse facilitator, family law facilitator, court interpreter, and other court and clerk employees.
3. Washington courts may issue writs or other court orders necessary to enforce this court rule. **Unless otherwise ordered, the civil arrest prohibition extends to within one mile of a court of law. In an individual case, the court may issue a writ or other order setting forth conditions to address circumstances specific to an individual or other relevant entity.**

For purposes of this rule:

- A. **“Court of law” means any building or space occupied or used by a court of this state and adjacent property, including but not limited to adjacent sidewalks, all parking areas, grassy areas, plazas, court-related offices, commercial spaces within buildings or spaces occupied or used by a court of this state, and entrances to and exits from said buildings or spaces.**
- B. **“Court Order” and “Judicial Warrant” include only those warrants and orders signed by a judge or magistrate authorized under Article III of the United States Constitution or Article IV of the Washington Constitution or otherwise authorized under the Revised Code of Washington. Such warrants and orders do not include civil immigration warrants or other administrative orders, warrants or subpoenas that are not signed by a judge or magistrate as defined in this section. Civil immigration warrant means any warrant for a violation of federal civil immigration law issued by a federal immigration authority and includes, but is not limited to, administrative warrants issued on forms I-200 or I-203, or their successors, and civil immigration warrants entered in the national crime information center database.**
- C. **“Subject To Civil Arrest” includes, but is not limited to, stopping, detaining, holding, questioning, interrogating, arresting or delaying individuals by state or federal law enforcement officials or agents acting in their official capacity.**

WASHINGTON STATE
BAR ASSOCIATION

GR 9 Cover Sheet
Proposed Amendment to Comment
on Rules of Professional Conduct
Comment to Rule 4.4 Respect for
Rights of Third Person

GR 9 COVER SHEET

**Proposed Amendment to
COMMENT ON RULES OF PROFESSIONAL CONDUCT (RPC)
Comment to Rule 4.4 – RESPECT FOR RIGHTS OF THIRD PERSON**

A. Names of Proponents:

American Civil Liberties Union of Washington (ACLU-WA), Washington Defender Association, Northwest Justice Project, Northwest Immigrant Rights Project, Washington Immigrant Solidarity Network, Columbia Legal Services, Central Washington Justice For Our Neighbors, Asian Pacific Islander Institute on Gender-Based Violence, Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, Colectiva Legal del Pueblo

B. Spokesperson:

Enoka Herat, Attorney
American Civil Liberties Union of Washington
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Tel: (206) 624-2184 Email: eherat@aclu-wa.org

C. Purpose:

Since Comment (4) to Rule of Professional Conduct (RPC) 4.4 was originally adopted in 2013, the landscape of immigration enforcement has drastically changed. A technical amendment to the comment is needed to clarify that the protections extend to the use of civil immigration enforcement as a weapon against immigrant parties and witnesses across Washington. The changes to the comment would prevent all lawyers in Washington from reporting individuals to immigration authorities in both civil and criminal cases and help to ensure that all lawyers are upholding their duty to facilitate access to justice. The proposed changes also provide exceptions for state and federal law, and for lawyers employed by federal immigration authorities.

These clarifications to the existing comment are proposed to prevent warrantless civil arrests being conducted in and around Washington courthouses by federal immigration enforcement agents. Cooperation with federal immigration enforcement agencies to facilitate these arrests transforms state courthouses into a staging ground for immigration detention and deportation, and makes the courthouse a frightening and unwelcoming place for immigrants and their families. The Washington State Bar Association (WSBA) Board of Governors unanimously approved sending a letter to the Department of Homeland Security recognizing that the “situation leads to access to justice impediments and risks less safe communities.”¹ Chief Justice Fairhurst has sent similar letters to ICE and Customs and Border Protection (CBP) asserting that these arrests “impede the fundamental mission of our courts, which is to ensure

¹ See attached letter from WSBA BOG to ICE.

due process and access to justice for everyone, regardless of their immigration status.”² Unfortunately, as reflected in the current Comment [4], lawyers have used immigration enforcement as a strategic tactic knowing that ICE and CBP have in recent months increased their presence at courthouses.³

Immigration enforcement actions have occurred at courthouses throughout Washington, in at least 16 different counties.⁴ ICE and CBP primarily target people of color, predominantly Latinx Spanish speakers. Targeted people are stopped, questioned and/or apprehended as they seek to enter, are inside, or are leaving a Washington courthouse. As a result, noncitizens, including immigrants with lawful status, and their families and communities are afraid to engage with our state’s justice system. Defendants fear showing up for court dates to answer and defend against criminal charges. They must choose risking additional charges for failing to appear or being arrested, detained and possibly deported by immigration enforcement officers. These circumstances compromise defense attorneys’ capacity and obligations to defend clients, and prosecutors are impeded in their duties to pursue justice for alleged criminal violations. Similarly, victims of crime, including domestic violence are afraid to seek judicial protections for fear being separated from their children or otherwise having to defend themselves against possible deportation.

Our Supreme Court Chief Justice, WSBA, and prosecutors around the country — including in California, Colorado, Massachusetts, and New York — have publicly condemned immigration enforcement actions in courthouses because of the chilling effect on immigrants. However, as the University of Washington’s Center for Human Rights has recently reported, some prosecutors in Washington have proactively shared information and reported people to ICE.⁵ Many prosecutors know first-hand that the specter of county involvement in ICE arrests harms public trust in law enforcement, making people less likely to come forward as crime witnesses or to seek protection because they fear doing so will lead ICE agents to detain and deport them or their family members. As a letter sent by California prosecutors to ICE noted, “[n]o one should fear that their immigration status prevents them from seeking justice, whether as a crime victim or otherwise.”⁶

The proposed amendment seeks to clarify that all lawyers in Washington are prohibited from sharing someone’s personal information in order to facilitate immigration arrests as doing so burdens community members’ access to courts. In Washington State, law enforcement is already prohibited from sharing nonpublic, personal information with immigration

² See supplemental materials at 2 and 3.

³ Lilly Fowler, *More Immigrants Report Arrests at WA Courthouses, Despite Outcry*, <https://crosscut.com/2019/04/more-immigrants-report-arrests-wa-courthouses-despite-outcry>, (last accessed on 9/26/19).

⁴ See attached report, University of Washington Center for Human Rights, *Justice Compromised, Immigration arrests at Washington state courthouses* (Oct. 2019).

⁵ See *Id.*

⁶ Letter to Attorney General Jeff Sessions from California Prosecutors, <https://fairandjustprosecution.org/wpcontent/uploads/2017/09/Letter-to-AG-Sessions-from-California-Prosecutors.pdf> (April 2017).

authorities,⁷ as are state agencies.⁸ Extending these prohibitions to all lawyers promotes fairness, public safety, and access to justice for all Washingtonians.⁹

It is a fundamental right of all Washington residents to access our courts. Const. art. 1, § 10. Justice system stakeholders must take all possible steps to ensure Washington courts are open, neutral and accessible to the public, free of restrictions that would otherwise impede the proper administration of justice. The technical amendment comment to RPC 4.4 furthers the intent of the current comment and reflects the need to ensure that all lawyers, including prosecutors, are not contributing to immigration arrests which actively undermine access to justice. Accordingly, it is appropriate and necessary that the proposed technical amendment to the comment to RPC 4.4 is adopted.

D. Hearing:

The proponents do not believe a public hearing is needed.

E. Expedited Consideration:

The proponents believe exceptional circumstances justify expedited consideration of the suggested technical amendment to the comment to RPC 4.4 and request that the Rules Committee proceed to a 30 day comment period. If the Rules Committee deems it necessary to direct the proposed commentary to the WSBA's Professional Ethics Committee for review, we request that the committee ask that the review be expedited and seek a response within a timeframe time that circumstances warrant.

F. Supporting Materials:

1. *Immigration Enforcement at Washington State Courthouses*, Washington Immigrant Solidarity Network, August 29, 2019.
2. Letter From Chief Justice Mary Fairhurst to Commissioner Kevin McAleenan, US Customs and Border Protection, April 15, 2019.
3. Letter from Chief Justice Mary Fairhurst to Secretary John Kelly, US Department of Homeland Security, March 15, 2017.
4. Letter from Robin L. Haynes, Washington State Board of Governors to Secretary John Kelly, US Department of Homeland Security, June 1, 2017.
5. *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center For Human Rights, October 1, 2019.

⁷ See SB 5497 (2019-20), Section 6(5), <http://lawfilesexternal.wa.gov/biennium/201920/Pdf/Bills/Senate%20Passed%20Legislature/5497-S2.PL.pdf>.

⁸ See Executive Order 17-01, https://www.governor.wa.gov/sites/default/files/execute_order/eo_17-01.pdf (February 2017).

⁹ Additionally, an update to the comment was necessary to recognize prosecutors' obligations under state and federal law, as well as to protect lawyers employed by federal immigration agencies.

1 **SUGGESTED RULE CHANGES**

2 **RULES OF PROFESSIONAL CONDUCT 4.4 COMMENT (4)**

3 The duty imposed by paragraph (a) of this Rule includes a lawyer's assertion or inquiry about
4 a[ny] ~~third~~ person's immigration status when the lawyer's purpose is to intimidate, coerce, or
5 obstruct that person from participating in a civil [or criminal] matter[, or otherwise assists with
6 civil immigration enforcement]. Issues involving immigration status carry a significant danger of
7 interfering with the proper functioning of the justice system. See *Salas v. Hi-Tech Erectors*, 168
8 Wn.2d 664, 230 P.3d 583 (2010). When a lawyer is representing a client ~~in a civil matter~~,
9 [whether the client is the state or one of its political subdivisions, an organization, or an
10 individual,] a lawyer's communication to a party or a witness that the lawyer will report that
11 person to immigration authorities, or a lawyer's report of that person to immigration authorities,
12 furthers no substantial purpose of the ~~civil~~ adjudicative [and violates this Rule].
13

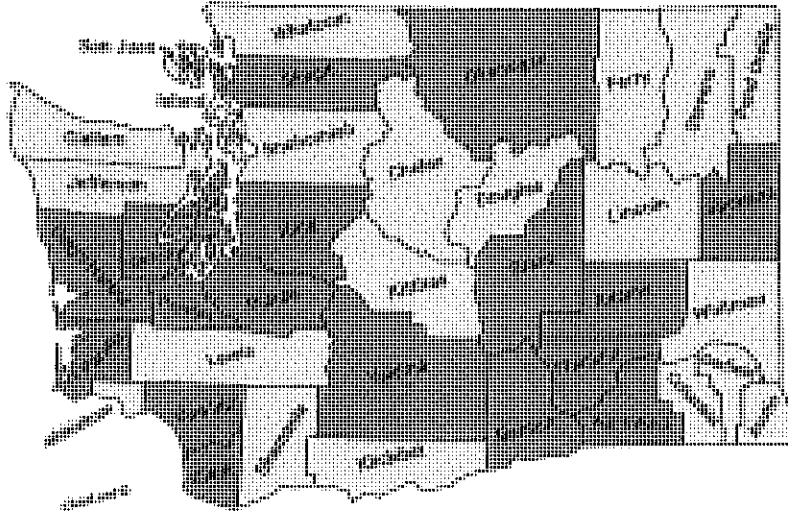
14 A communication in violation of this Rule can also occur by an implied assertion that is the
15 equivalent of an express assertion prohibited by paragraph (a). [Sharing personal information
16 with federal immigration authorities, including but not limited to, home address, court hearing
17 dates, citizenship or immigration status, or place of birth, absent a court order, for the purpose of
18 facilitating civil immigration arrests is conduct that is in violation of this Rule.] See also Rules
19 [1.6(a) (prohibiting a lawyer from revealing information relating to the representation of a
20 client), 8.4(b) (prohibiting criminal acts that reflect adversely on a lawyer's honesty,
21 trustworthiness, or fitness as a lawyer in other respects), 8.4(d) (prohibiting conduct prejudicial
22 to the administration of justice), and 8.4(h) (prohibiting conduct that is prejudicial to the
23 administration of justice toward judges, lawyers, LLLTs, other parties, witnesses, jurors, or
24 court personnel or officers, that a reasonable person would interpret as manifesting prejudice or
25 bias on the basis of sex, race, age, creed, religion, color, national origin, [immigration status,]
26 disability, sexual orientation, or marital status).
27

28 [Government officials may provide federal immigration authorities with information relating to
29 any person involved in matters before a court only pursuant to RCW 7.98, or upon request and in
30 the same manner and to the same extent as such information is lawfully made available to the
31 general public, or pursuant to a court order. Additionally, under 8 U.S.C. § 1373, government
32 officials are not prohibited from sending to or receiving from immigration authorities a person's
33 immigration status or citizenship. Lawyers employed by federal immigration authorities engaged
34 in authorized activities within the scope of lawful duties shall not be deemed in violation of this
35 rule.]
36



Immigration Enforcement at Washington State Courthouses

1 Kitsap



Summary of Preliminary Dataⁱ

Key: Incidents of ICE or CBP activity in and around courthouses, as reported to the authors. Preliminary data indicates that the highest level of activity is concentrated in Grant, Adams and Clark counties.

Background on Immigration Enforcement Activities at Washington State Courthouses

Over the past two years, advocates and community members in Washington State and throughout the country have seen a sharp increase in incidents in which federal immigration officials conduct arrests for alleged civil immigration violations at state or local courthouses. While this tactic is not new, its use has reached levels not seen prior to 2017, when the Trump Administration issued new enforcement policies.

In 2018, Immigration and Customs Enforcement (ICE) also issued a formal policyⁱⁱ in which it makes clear that it plans to continue to conduct arrests at courthouses, which it has refused to designate as “sensitive locations.” Agents with ICE and Customs and Border Protection (CBP) are now regularly conducting arrests for alleged immigration violations in and around numerous Washington courthouses, significantly interfering with people’s ability to access justice in our courts.

Contrary to statements by some elected officials, these arrests are not limited to individuals who have previously been deported or who have been convicted of felony offenses. Rather, it is now a reality in many areas of our state that community members, many of whom have no or minor criminal history, who

need to attend state court proceedings or conduct business at the courthouse expect that they may be questioned or arrested by immigration officials as a consequence of seeking justice.

Typical arrests by ICE and CBP involve:

- Targeting Latino community members based on appearance or use of Spanish language;
- Targeting people with no prior deportations or criminal history, or only pending charges or civil traffic or vehicle infractions;
- Surveillance of court hearings, then either pursuit of community members or communication with other officers outside who apprehend people after they leave the courtroom or courthouse;
- Kidnapping-style tactics, including use of plainclothes officers who refuse to identify themselves and drag community members into unmarked vehicles outside the courthouse;
- Excessive force, verbal harassment and or intimidation;
- Failure to display a warrant showing probable cause of deportability or criminal activity;
- Collaboration with local officials, including prosecutors, law enforcement & court security staff.

Negative Impacts: Civil arrests of this type are gravely problematic because they:

- **Violate the constitutional right of access to the courts** and the well-established **common law privilege against civil arrests** when attending court proceedings;
- Create **unequal access to justice** for anyone who “appears” to be a non-U.S. citizen, **which disproportionately affects Latino community members**;
- **Violate the right of accused persons to contest criminal charges** by effectively preventing them from appearing in court;
- **Make community members afraid to come to the courthouse**, and their fear is exacerbated by reports that **immigration officials are using excessive force** during their arrests;
- **Undermine public trust in law enforcement** and thus **compromise public safety**, including protection from and redress for gender-based violence and other crimes;
- **Discourage civil court claimants** seeking protection from eviction, discrimination & consumer abuses
- **Separate families** and create additional **financial strain** on working families;
- **Disrupt** the work and mission of **public defender offices**;
- **Complicate** and frustrate the work of **prosecuting attorney offices**;
- **Complicate** the protocol and duties of **courthouse staff**;
- Ultimately **undermine the mission, administration and integrity of the entire criminal and civil justice system by preventing parties and witnesses from appearing in court.**

ⁱ The information provided is based on government records and eye-witness accounts of community members, their families, advocates and attorneys, as reported to the contributing organizations from 2017 to 2019. Contributors include: Washington Immigrant Solidarity Network, Northwest Immigrant Rights Project, Washington Defender Association, Central Washington Justice for Our Neighbors, Northwest Justice Project, ACLU of Washington, Asian Pacific Institute on Gender-Based Violence. Information-gathering is ongoing, but the information in this report can serve as an initial sketch of the problem. It is important to note that the actual level of enforcement activity is likely higher than has been reported.

ⁱⁱ See Directive Number 11072.1: Civil Immigration Enforcement Actions Inside Courthouses (Jan. 10, 2018), at <https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf>.

The Supreme Court

State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
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98504-0929



(360) 357-2053
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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

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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

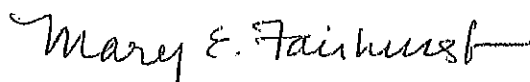
justice is compromised. Their absence curtails the capacity of our judges, clerks and court personnel to function effectively.

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



WSBA
BOARD OF GOVERNORS

Robin L. Haynes
President

phone: 509.596.1426
e-mail: robin@giantlegal.net

June 1, 2017

The Honorable John F. Kelly
U.S. Department of Homeland Security
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Kelly,

The Washington State Bar Association Board of Governors (BOG), at its May 18-19 meeting, unanimously approved that I write to you to express our concerns regarding the increased presence of agents from the Immigration and Customs Enforcement agency of the Department of Homeland Security in and around our courthouses. We feel this development is deeply troubling because it impedes the fundamental mission of our courts: 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 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 are ensured of a trusted public forum where they will be treated with dignity, respect, and fairness. The fear of apprehension by immigration officials deters individuals from accessing our courthouses and erodes the trust that our courts have worked diligently to earn and maintain, even for those with lawful immigration status. This situation leads to access to justice impediments and risks less safe communities.

As a result, we ask that you consider taking the necessary and appropriate steps to address these concerns. One suggestion would be to designate courthouses as "sensitive locations" as described in your Policy 10029.2, which would assist our courts in maintaining the trust that is necessary for the court to be a safe and neutral public forum, and would assure individuals that they can 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, and 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin L. Haynes".

Robin L. Haynes

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

Justice Compromised

Immigration arrests at Washington state courthouses

In recent months, media reports,¹ immigrant rights organizations,² and federal immigration officials³ have noted the increased use of courthouses as a site for civil immigration enforcement in Washington state. This is part of a nationwide trend: as advocates have documented in Colorado, New Mexico, New York, Massachusetts, and Pennsylvania, immigrants are increasingly being arrested by Immigrant and Customs Enforcement (ICE) and Customs and Border Protection (CBP) officers inside courthouses, in surrounding areas, and while driving away from courthouses. Once apprehended by ICE or CBP in these circumstances, they face immigration detention (for weeks, months, and, in some cases years) and deportation proceedings.

This practice raises concerns about access to justice: if risk of apprehension by immigration authorities makes immigrants afraid to go to court, this could impede their ability to engage in legal proceedings by serving as witnesses, plaintiffs, or defendants; it could discourage them from paying fines, seeking a protection order, or accessing other necessary court services such as obtaining a marriage license. Around the country, rights advocates,⁴ justice professionals⁵—including chief justices of state Supreme Courts⁶—and bipartisan bodies⁷ have asked Congress and the Department of Homeland Security (DHS) to designate courthouses as “sensitive locations,” like schools or hospitals, where the agency refrains from enforcement activities.

Thus far, the Department of Homeland Security has declined such requests. Indeed, it appears that Immigration and Customs Enforcement (ICE), at least, is doubling down: in January 2018, ICE issued its first policy directive codifying its procedures on courthouse arrests, as well as a related web FAQ. It is unclear whether Customs and Border Protection (CBP) operates with

¹ See for example articles by Sydney Brownstone, Vancouver Immigrant Claims ICE Arrested Him After Eavesdropping on Him and His Lawyer, *The Stranger* (Apr 4, 2018); and Natasha Chen, More ICE agents seen waiting around local courthouses to intercept people, *KIRO 7* (March 23, 2017).

² See for example a community alert issued via social media on August 22, 2019 by the Washington Immigrant Solidarity Network regarding ICE activity at the Grant County Courthouse in Ephrata, WA; and a press release issued by Northwest Immigrant Rights Project regarding a January 2018 arrest at a courthouse in Vancouver, WA.

³ See for example a May 2019 interview with ICE Seattle acting field director Bryan Wilcox by conservative talk radio and podcast host Lars Larson.

⁴ See for example the American Civil Liberties Union's 2018 report Freezing Out Justice.

⁵ In June 2017, the Washington State Bar Association Board of Governors expressed concern about courthouse arrests by immigration enforcement agents, and urged DHS Secretary John Kelly to add courthouses to ICE's sensitive locations list. In August 2017, the American Bar Association House of Delegates urged Congress to do the same.

⁶ Washington's own Supreme Court Justice Mary Fairhurst, in a March 2017 letter to the Department of Homeland Security, asked that ICE and CBP cease this practice and designate Justice Fairhurst's letter reads, in part, "When people are afraid to access our courts, it undermines our fundamental mission. ...These developments risk making our communities less safe."

⁷ See this statement by the U.S. Commission on Civil Rights, a bipartisan independent agency.

similar guidelines; both agencies are part of DHS and conduct courthouse arrests in Washington state, but only ICE has publicly addressed the practice. In other states—though notably, not in Washington—it appears that courthouse arrests are mostly conducted by ICE rather than CBP, so most of the national attention around this issue has focused on ICE alone.

In this policy memo, and in public statements, ICE recognizes that courthouse arrests are on the rise and acknowledges that they generate particular concerns. But the agency offers two claims as justifications for the practice:

- First, it alleges that courthouse arrests have become necessary since local jurisdictions' growing reluctance to accept ICE detainees,⁸ has made arresting immigrants in jails more difficult. Because those entering courthouses are typically checked for weapons, the agency argues, apprehending immigrants in courthouse settings is safer than detaining them in other locations.⁹ The memo and FAQ also emphasize that many targets of such arrests constitute a public safety threat, describing them as "criminals and fugitives" and their apprehension in areas screened for weapons as necessary steps to protect the public.
- Expressing its intention to "avoid alarming the public," ICE asserts in its memo that courthouse arrests are operations against "specific, targeted aliens," and do not aim to arrest family members or friends accompanying them except "under special circumstances." Federal agents "will make every effort to limit their time at courthouses," the policy insists, and the arrests themselves "should, to the extent practicable, take place in non-public areas of the courthouse, be conducted in collaboration with court security staff, and utilize the court building's non-public entrances and exits."

However, reports from other states suggest that there may be reasons to question the accuracy of these characterizations. Data collected by the Immigrant Defense Project in New York, for example, found that 28% of those arrested in New York had no criminal history and that of those facing criminal charges, 80% were appearing for violations and misdemeanors.¹⁰ What's more, media reports have highlighted courthouse arrests of crime victims and others appearing in court

⁸ Detainers are documents which ask jails to hold inmates in custody beyond the time they would normally serve in order to hand them directly to ICE. This practice was found to be a violation of the Fourth Amendment to the U.S. Constitution by a federal magistrate judge in the 2014 *Miranda-Olivares v. Clackamas County* decision. Several courts have found that holding people on the basis of detainers is illegal and makes the locality subject to liability. See, for example, [this recent decision](#) by the Second Circuit Court of Appeals, which could result in liability for New York City and the federal government related to the use of detainers.

⁹ See ICE's [FAQ on Sensitive Locations and Courthouse Arrests](#): "Courthouse arrests are often necessitated by the unwillingness of jurisdictions to cooperate with ICE in the transfer of custody of aliens from their prisons and jails...Individuals entering courthouses are typically screened by law enforcement personnel to search for weapons and other contraband. Accordingly, civil immigration enforcement actions taken inside courthouses can reduce safety risks to the public, targeted alien(s), and ICE officers and agents."

¹⁰ Immigrant Defense Project, "[The Courthouse Trap: How ICE Operations Impacted New York's Courts in 2018](#)", January 2019.

in an attempt to protect *against* violence—including apprehensions of those in court to seek protection orders against abusers.¹¹

In an attempt to document what is happening in Washington State, and to explore its human rights consequences, in 2019 the University of Washington Center for Human Rights began a study of the immigration arrests at courthouses in our state. This project is currently in its early stages; the present report should be understood as a preliminary presentation of findings, to be further updated as additional data becomes available. As explained below, our research draws data from a range of sources, including public records requests at the local and federal level; media coverage; and reports by eyewitnesses, community members, and legal advocates about arrests involving specific individuals known to them. Where possible, we corroborate data through multiple sources. We also incorporate insights from academic studies involving fear and its impact on access to justice, particularly among immigrant populations, and surveys conducted by advocacy organizations working to end domestic violence in Washington.

This report is divided into three sections. We explore the extent of courthouse arrests in our state; the specific circumstances of the arrests, where known; and the human rights concerns surfaced by this practice in our communities.

I. Extent of ICE/CBP enforcement at/near courthouses

In order to assess the impact of these arrests on human rights, it is important, first, to understand whether they are isolated or systematic practices: are they happening across the state? Are they occasional or frequent occurrences? Whom do they target, and how?

Yet answering these questions poses a significant challenge, first and foremost because the only entity that possesses comprehensive records of all such arrests—the Department of Homeland Security—refuses to share them. ICE claims that it does not track how many arrests occur at courthouses.¹² Though the agency’s policy stipulates that all such operations should be documented using a Field Operations Worksheet which specifically notes the operation as targeting a courthouse,¹³ the agency has told UWCHR researchers that these documents are not

¹¹ For example, [ICE apprehended a victim of human trafficking](#) in a Human Trafficking Intervention Court in New York; a Michigan [father attending family court to seek custody of his kids](#) to protect them from their mother’s abusive partner; an El Paso, TX [woman seeking a protective order](#) against an abusive ex-husband; and [a woman and her son](#) in Charlotte, GA following a hearing related to a domestic violence charge

¹² See Nicholas Pugilese, “[New rules seek to limit ICE arrests in N.J. courthouses](#)”, Whyy.org.

¹³ See the [January 10, 2018 policy memo](#), which reads, in part, “ICE officers and agents will document the physical address of planned civil immigration enforcement actions in accordance with standard procedures for completing operational plans, noting that the target address is a courthouse... ICE maintains records generated pursuant to this policy, specifically the Field Operations Worksheets (FOW) and Enforcement Operation Plan (EOP).”

compiled or tracked in any way that would permit the release of aggregate data about courthouse arrests under FOIA. Similarly, while agency records such as I-213s¹⁴ state the location at which each individual arrest is made, to date the agency has maintained that the location of arrests are exempt from disclosure under FOIA Exemption (b)(7)(E), which allows the withholding of information compiled for law enforcement purposes that would disclose the “techniques and procedures” or “guidelines” for “law enforcement investigations or prosecutions.”¹⁵ The UWCHR is currently engaged in litigation against DHS precisely for access to these forms of documentation.

While we continue to contest these dubious interpretations of the agency’s responsibilities under FOIA, we have launched an effort in the interim to gather as much information as possible from other sources to shed light on the extent of courthouse arrests in our state. To date, we have collected data from multiple sources: ICE and CBP records, obtained through FOIA;¹⁶ records from county governments in Washington state, released under the Washington Public Records Act, federal court records,¹⁷ obtained through PACER; reports shared with advocates and

¹⁴ I-213 Record of Deportable/Inadmissible Alien forms are used by DHS to establish an individual as eligible for removal. Information included on the form includes “the respondent’s biographic information; date, place, time, and manner of entry to the United States; immigration record and any history of apprehension and detention by immigration authorities; criminal record, if any; family data; any health or humanitarian aspects; and disposition (whether or not an NTA [Notice to Appear] is to be issued).” For more information, see Colopy, Crow, and Sharpless, “Challenges and Strategies Beyond Relief”, 2014.

¹⁵ In response, for example, to our appeal of this practice by CBP, the agency argued that “The withheld location information would reveal significant of station-level operational details related to the law enforcement guidelines, techniques and procedures that are used when handling threats at U.S. borders, specifically the determination of strategies to combat against the entry of undocumented aliens and contraband into the country. These law enforcement guidelines, techniques and procedures have been withheld in order to protect CBP’s methods in evaluating and processing potential threats at the United States’ borders. Disclosure of the alien interdiction locations at or near each station, coupled with information already available to the public, including the location of each station and the specific focus and operations of each station, would give undocumented aliens the ability to circumvent and exploit less resilient stations.”

¹⁶ Under FOIA, the UWCHR has requested various sets of records that, if released, could reveal when and where ICE and CBP apprehend people at courthouses. CBP has released some apprehension records, but the locations are redacted, rendering the documents useless for answering questions about courthouse arrests specifically. ICE has declined to release any records that specify arrest locations. As of this writing, we are in discussions with both agencies for access to a representative sample of I-213s (the forms the agencies fill out upon apprehending an immigrant); these would include location information, but their usefulness for this study is limited given that, due to sampling, they might or might not contain records of courthouse arrests in particular. We have also sought records of Field Operations Worksheets—documents used to secure supervisor authorization for a given enforcement operation—for a number of known courthouse arrests, and records of correspondence between ICE’s Regional Director and subordinates, to shed light on the circumstances in which such operations are planned and authorized within the agency. All of these requests are pending.

¹⁷ UWCHR researchers read and coded PACER records for 548 cases in which an individual was federally prosecuted for immigration violations in the state of Washington from January 2016 - July 2019; this involved 209 prosecutions for illegal reentry (1326) in the Western Washington district and 391 in Eastern Washington; and 20 prosecutions for illegal entry (1325) in the Eastern Washington district. Case files for prosecutions in Western Washington include a sworn statement detailing the manner in which the defendant was apprehended; in 10 cases, all of them in the Western Washington district, this narrative specified a detention at or near a courthouse. As sworn legal declarations, these are highly reliable data sources, yet they only represent a minority of all courthouse arrests, because not all of those arrested at a

community organizations;¹⁸ and media coverage.¹⁹ Some of the reports received are more comprehensive than others. Court documents, for example, present sworn testimony about the apprehension of specific individuals in ways that permit secondary corroboration, whereas eyewitness accounts are sometimes limited to a description of an event involving unnamed individuals, and can be more difficult to verify. In this report, we note the source of all data, so that its reliability can be evaluated by readers.

To date, we have documented 49 reported arrests at courthouses since 2016, occurring in 16 counties across the state; 24 in Western WA, and 25 in Eastern WA. (For a table listing these cases, see the Appendix to this report.) This undoubtedly captures only a fraction of overall arrests. However, **the dispersion of documented arrests across the state suggests that the practice is widespread**, a characterization also upheld in public statements by ICE authorities in Washington.²⁰ At the same time, reports suggest that courthouse arrests may be concentrated in certain jurisdictions, especially Grant County, which accounts for almost a quarter of reported courthouse arrests since 2016. The next most frequent locations are Adams and King counties.

courthouse are subsequently federally prosecuted, and even in cases where they are federally prosecuted, many prosecution records, especially those from the Eastern district, do not specify the location of arrest.

¹⁸ Concerned about this practice, a number of human rights organizations began compiling data reported to them about courthouse arrests; the Washington Defender Association and the Washington Immigrant Solidarity Network shared internal records with us that included first-person accounts by those who witnessed courthouse arrests as well as secondhand reports by family members or attorneys of those detained. The arrests documented by these organizations likely represent only a small portion of those taking place: many arrests are not witnessed, in part because agents wear plainclothes and drive unmarked vehicles, and of those that are, it is impossible to know how many witnesses have connections to these organizations and choose to report what they saw. These accounts vary in detail and are not always possible to corroborate using secondary sources. We have also corresponded with lawyers from the Northwest Immigrant Rights Project and other organizations about select cases involving their clients.

¹⁹ Journalists from Crosscut, the Olympian, the Columbian, and other local media have reported on courthouse arrests. Where possible, we have sought to confirm the accuracy of these accounts through other sources.

²⁰ See for example a [May 2019 interview with ICE Seattle acting field director Bryan Wilcox](#) by conservative talk radio and podcast host Lars Larson.

II. Specific circumstances of arrests

As ICE's own statements on this practice note, the concerns around courthouse arrests stem not only from the fact that they are happening, but from the specific manner in which they occur. As a result, we sought to examine who is being targeted, and how and where they are being identified and apprehended. Here, too, obtaining across-the-board data is impossible without access to DHS records, yet our research permits a glimpse into the overall phenomenon through the individual cases we have been able to document thus far.

Most eyewitness reports describe the presence of individuals in plainclothes later identified as immigration enforcement observing hearings in the courtroom and/or surveilling court attendees in waiting areas. To carry out the arrest, multiple agents, typically in plainclothes, surround the targeted person, arresting them quickly and placing them in a vehicle which is usually described as unmarked. A minority of accounts mention the use of force by arresting agents. Due to the use of plainclothes and unmarked vehicles, it is often difficult for eyewitnesses to know whether ICE or CBP is the agency performing the arrest. In multiple cases reported by lawyers and advocates, the arresting agents reportedly refused to give their names or show warrants, even when asked by the arrestee's attorney. In some cases, agents briefly flashed agency badges.

Some eyewitness accounts describe chaotic, confusing scenes. For example, the partner of a man arrested by ICE on June 20 outside the Thurston County Superior Courthouse described troubling use of force by immigration enforcement agents in a statement provided by her lawyer to The Olympian's Sara Gentzler: "After the hearing, (name redacted) and I were walking just outside of the courthouse back to the car when he was attacked and taken away right in front of me by men in everyday clothes...I was scared. (Name redacted) had had a concussion a few months earlier, and one of the men hit him hard in the back of the head."

Similarly, in an account shared with UWCHR researchers by a legal advocate, a witness described seeing multiple attempted arrests on September 26, 2019 at Grant County Courthouse in Ephrata, Washington. He reported that he entered the main entrance of the courthouse at approximately 9:55 a.m, noticing a light tan Tahoe was parked on the side of the court house with a man waiting in the driver's seat. As he approached the front main entrance, he saw a young latinx man in handcuffs being forcefully and quickly escorted, almost dragged, to the light tan Tahoe by a man in plainclothes who put him in the back seat of the vehicle. When he emerged from the courthouse later, the same ICE officer he had seen earlier was now chasing another young latinx man around the grounds of the courthouse, with the Tahoe speeding around the corner toward them. At least one person, the client of the legal advocate who shared this account, was arrested by immigration authorities at the courthouse on that day.

As this account suggests, while some arrests take place in courthouses themselves, others occur in parking lots or surrounding areas, or even while the targeted person is driving away from the courthouse. Indeed, while ICE's policy statements refer only to "arrests *in* courthouses" or "*at* courthouses," this is far too limited a framing to capture the phenomenon itself or the concerns it

generates: while arrests of those driving away from courthouses do not take place on courthouse property, they are inextricably linked to the court because the person's appearance in court is key to their identification and subsequent apprehension. That identification can involve agents matching the person to photographs they bring with them, or their witnessing the target identifying themselves in proceedings before the court, as appears to be the case in the below excerpt from an individual's I-213, which, with permission, her attorney shared with UWCHR researchers.

Figure 1: I-213 form documenting arrest by CBP at Othello District Court

ENCOUNTER/ARREST:
During the commission of their duties, agents from the United States Border Patrol, Spokane Border Patrol Station learned that [REDACTED] would be appearing before the Othello District Court in criminal proceedings.

[REDACTED] was positively identified in court. [REDACTED] was encountered by Border Patrol Agent Nunez, who upon the encounter identified himself as a United States Border Patrol Agent (BPA). BPA Nunez asked [REDACTED] as to her citizenship. [REDACTED] stated that she was born in [REDACTED] Mexico. [REDACTED] was asked if she had immigration documents to visit, work or reside in the United States. [REDACTED] stated she did not have any immigration documents at all. [REDACTED] freely admitted to having entered into the United States illegally in 1993 near San Ysidro, California. BPA Nunez arrested [REDACTED] for being illegally in the United States and transported her to the Spokane Border Patrol Station for further interview and processing.

IDENTIFICATION:
[REDACTED]'s biographical information, fingerprints, and photo were submitted into the E3/IDENT/IAFIS databases. Fingerprint analysis revealed no prior immigration history.

Signature: JOSE NUNEZ	Title: Border Patrol Agent
--------------------------	-------------------------------

4 of 5 Pages

Form I-831 (Continuation Page (Rev. 09/01/07))

Consistent with ICE's stated policy, most courthouse arrests do appear to be of specifically targeted individuals; we have received no information about "collateral arrests" of family or friends who were also present at the time. (On the other hand, the below narrative from an I-44 form released to UWCHR by CBP under FOIA suggests that agents may sometimes visit courthouses opportunistically, to observe proceedings without advance planning.²¹)

²¹ It may be relevant to note that this document is from CBP, rather than ICE, and the agency may not have had then (or have now) a policy requiring advance planning of courthouse operations as described in ICE's 2018 directive; it is unknown whether CBP issues its officers any policy guidelines regarding courthouse arrests.

Figure 2: DHS I-44 form documenting courthouse surveillance and arrest by CBP, January 18, 2017

U.S. Department of Homeland Security		Continuation Page for Form	I44
Alien's Name (b) (6), (b) (7)(C)	File Number Event No: (b) (7)(E)	Date 01/18/2017	
<p>ASSISTING ASSETS: ----- None</p> <p>Narrative Title: Report of Apprehension or Seizure -----</p> <p>On Wednesday, January 11, 2017, Detective (b) (6), (b) (7)(C) and I (b) (7)(E) (b) (7)(E) WA (b) (7)(E) (b) (7)(E) We were attempting to locate and arrest an adult male by the name of (b) (6), (b) (7)(C) (b) (7)(E) (b) (7)(E) we know (b) (6), (b) (7)(C) s a (b) (7)(E) (b) (7)(E) (b) (6), (b) (7)(C) also had (b) (6), (b) (7)(C)</p> <p>Detective (b) (6), (b) (7)(C) and I were unable to locate and arrest (b) (6), (b) (7)(C) We decided to drive to the (b) (7)(E) County Courthouse to sit through court proceedings for some of our older cases. As we were driving north on (b) (6), (b) (7)(C) a black Mitsubishi passenger car (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) passed us in the southbound lane. I was able to get a good look at the driver assenger. The driver of the vehicle was (b) (6), (b) (7)(C) and the passenger was (b) (6), (b) (7)(C) Detective (b) (6), (b) (7)(C) contacted (b) (7)(E) and verified that (b) (6), (b) (7)(C) had two confirmed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)</p>			

While the arrests in question do appear targeted, the individuals they seek do not always fit DHS' characterizations that they constitute public safety threats. Many arrestees were attending proceedings relating to traffic matters, such as charges of operating a vehicle without a license or trip permit violations. Even among those facing more serious charges, two arrests in Clark County and one in Grant were of individuals with no prior convictions attending a pre-trial hearing, and thus entitled under the U.S. Constitution to a presumption of innocence.

Many individuals had U.S. citizen children or spouses, some of whom accompanied them to court and witnessed their arrest. In at least one case, the person arrested was raising her children as a single parent following the prior deportation of a spouse. For example, a caller to the Washington Immigrant Solidarity Network's hotline reported that a woman was arrested on October 17, 2018 after attending court in Othello, Adams County, as a result of a traffic accident. She was the primary caretaker of her five children, ranging in age from 10 months to ten years of age; the children's father had been deported to Mexico a year before.

III. Human rights concerns

Many justice practitioners object to federal immigration agents conducting civil enforcement activities in courthouses on the grounds that such practices produce a “chilling effect” that discourages immigrant communities from accessing justice. There are some particular rights concerns that emerge as a result of courthouse enforcement, and some empirical evidence—from Washington state as well as nationally—that suggests these concerns may be well-founded.

Access to justice and due process

Where individuals fear apprehension in court on immigration charges, they may be deterred from participating in the legal process, even to defend their own rights in cases where they are accused of crimes. This presents a threat to due process rights, which under the U.S. Constitution should apply to all people, regardless of nationality.

The aforementioned cases of individuals detained at pre-trial hearings paint this dilemma in particularly stark relief. These people appeared in court in an attempt to defend themselves against charges brought against them, but were arrested by ICE/CBP before they were able to do so. Immigration detention often interrupts access to defense attorneys and may block defendants’ ability to appear in subsequent proceedings to defend themselves.

Fearing such consequences, those vulnerable to deportation may choose not to appear in court at all, even where this creates cascading adverse consequences for them. Indeed, courthouse enforcement can contribute to the further criminalization of immigrants by creating a disincentive for them to comply with legal requirements that they appear in court to pay fines or resolve other matters. In some cases, these initial requirements stem from very minor violations, but immigrants’ reticence to appear in court can trigger far more serious consequences.²²

For example, *Juan Rodriguez*²³ was convicted of unlawful entry in Arizona in 2013, but subsequently returned to the U.S.. He was pulled over in Vancouver, Washington, in February 2017 because he was driving with a temporary trip permit displayed upside-down in the window of a recently-purchased vehicle, and charged with Trip Permit Violation²⁴ in Clark County District Court. Federal court documents show that ICE agents observed him at the Clark County Courthouse on his scheduled hearing date, but he then left the court before the hearing began, likely upon noticing their presence. The Clark County Sheriff subsequently issued a warrant for Failure to Appear, and he was arrested and booked into jail. He was released, sentenced in Clark County District Court to two days of partial confinement at the Mabry Work Program, administered by the district court; on his final day of service, Mabry officials notified ICE, who arrived to

²² For example, failure to appear for court risks an additional criminal charge (and possible conviction) under RCW 9A.76.170’s Bail Jumping statute. In turn, such a conviction is most often classified as an “aggravated felony” under immigration law, almost always resulting in permanent banishment from the U.S. See 8 USC 1101(a)(43)(Q) and (T).

²³ To protect this individual’s privacy, we refer to him here by a pseudonym.

²⁴ RCW 46.16A.320.6

apprehend him. With only two misdemeanor convictions—for unlawful entry and Trip Permit violation—he was federally prosecuted for illegal reentry and sentenced to serve two months and one week in federal prison prior to his deportation.

Unequal protection

Numerous national studies have denounced the degree to which the perceived collaboration in immigration enforcement by government agencies charged with upholding public safety has led to greater vulnerability in immigrant communities. For example, researchers in other states have found a growing reluctance to call for emergency assistance,²⁵ to seek legal relief,²⁶ and to bring charges against abusers.²⁷

Particular concerns arise around gender-based violence, since many such crimes are systematically underreported by victims, even without the particular vulnerabilities of undocumented people. Advocates and law enforcement have noted a decline in reports of sexual assault and domestic violence among latinx populations nationwide following the 2016 presidential election, including downturns as sharp as 40% in Houston and 10-25% in Los Angeles, as reported by local police departments.²⁸

In May 2019, a coalition of national organizations working to end domestic violence, sexual assault and human trafficking conducted a survey of advocates and attorneys to gauge the impact of heightened immigration enforcement on their clients. Some sixty percent reported that survivors of domestic violence and sexual assault were increasingly contacting them with concerns about their legal status; three out of every four advocates surveyed reported that “immigrant survivors have concerns about going to court”, and 52% said that their clients had dropped civil or criminal cases because of fear of immigration consequences. While these findings are national in scope, Washington was among the states surveyed, and local findings conform to the trends identified nationally.

In a July 2019 survey of approximately 100 domestic violence legal advocates in Washington state conducted by the Washington State Coalition Against Domestic Violence (WSCADV),²⁹

²⁵ See Tom K. Wong, Karina Shklyan, Anna Isorena, and Stephanie Peng, “[The Impact of Interior Immigration Enforcement on the Day-to-Day Behaviors of Undocumented Immigrants](#)”, April 3, 2019, U.S. Immigration Policy Center. Wong et al surveyed a sample of undocumented immigrants and found that respondents were less likely to report crimes they witnessed or were a victim of to police when told that local law enforcement are working with ICE for federal immigration enforcement.

²⁶ See Catalina Amuedo-Dorantes and Esther Arenas-Arroyo, “[Immigration Enforcement, Police Trust, and Domestic Violence](#)”, March 16, 2019. Amuedo-Dorantes and Arenas-Arroyo find that increased immigration enforcement reduces rates of self-petitions for legal status by domestic violence survivors under the Violence Against Women Act.

²⁷ In a 2019 survey conducted by a coalition of seven national organizations, of more than 500 advocates and attorneys working with immigrant survivors of domestic violence and sexual assault, three out of four service providers reported that immigrant survivors had concerns about going to court. See a [press release](#) and [key findings](#) from the survey.

²⁸ See <https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-abuse.html>

²⁹ A copy of this survey, which has not been made public, was shared with UWCHR by WSCADV.

97% of advocates reported that the immigrant survivors they work with are fearful of contacting police to report domestic violence, with most reporting that their clients “worry ICE/immigration will get involved” or that they could risk losing their children, their abusive partner, or other family members to deportation as a result of contacting the police. Additionally, 78% of advocates reported to WSCADV that immigrant survivors have concerns about seeking civil protection orders due to the possible presence of immigration authorities at the court. 83% of advocates reported that immigrant survivors they worked with had dropped civil or criminal cases related to abuse due to fear; the most common reason cited for this fear (73%) was concern about alerting immigration authorities.

Similarly, in a national survey of judges, which included Washington state, a majority (54%) of participants in 2017 reported that cases in their court were interrupted because immigrant victims were afraid to come to court—up from 45% in 2016. And nationwide, the study found that the vast majority (88-94%) of judges reported concerns about the impact of immigration enforcement on access to justice for immigrant victims and witnesses.³⁰

If anything, this suggests that courthouse arrests may have a negative impact on public safety—and not only for immigrants. While fear of deportation is concentrated among immigrant communities, when survivors of crime are afraid to report incidents or press charges against their abusers, the effects radiate outwards and affect all Washingtonians. Further, public safety also relies on the integrity and credibility of the justice system as a forum to prosecute and defend against alleged criminal offenses. Everyone’s safety depends upon ensuring equal protection to all those who suffer violence.

³⁰ Rafaela Rodrigues, Amanda Couture-Carron, and Nawal H. Ammar. Promoting access to justice for immigrant crime victims and children. https://www.ncjfcj.org/sites/default/files/cpo_guide.pdf

IV. Collaboration by local officials

It is legally challenging for state and local authorities to prevent federal law enforcement agencies from operating in public places, including courthouses. However, they can more readily curtail the extent to which state or local institutions collaborate in immigration enforcement involving the courts. Concerned by the aforementioned indications that courthouse arrests imperil access to justice, a number of states have undertaken efforts to do this.

Different states have adopted different approaches. For example, in October 2018, California's Attorney General, responding to a mandate from the California State Legislature, developed guidelines for state superior courts with the goal of limiting involvement in immigration enforcement. In New York, the Office of Court Administration issued a court rule in April 2019 that prohibits ICE from arresting immigrants inside courthouses without a judicial warrant or order, and the New York's state legislature considered the Protect our Courts Act, developed by the Immigrant Defense Project as model legislation to regulate enforcement activity at courthouses. In May 2019, New Jersey's Chief Justice issued a directive restricting collection of data regarding immigration status by courts, and setting standards for court employees, including court security, regarding interactions with immigration agents. And most notably, in Massachusetts a group of prosecutors and public defenders sued the federal government over courthouse arrests, resulting in a June 2019 preliminary injunction blocking civil immigration arrests of people going to, attending, or leaving Massachusetts state courthouses.

In Washington, too, state and local authorities have made numerous efforts to ensure the rights of immigrant communities, even in cases where federal agencies may violate them. Numerous jurisdictions have adopted practices to limit collaboration with federal immigration enforcement. In 2019, the Washington state legislature passed the Keep Washington Working Act (SB 5497) to extend some of these protections statewide. In light of this, we took a closer look at three counties where advocates expressed particular concern regarding courthouse arrests—Adams, Clark, and Grant—to gauge the extent of local collaboration with immigration enforcement involving courthouses, and the likelihood that Keep Washington Working will address the problem.

We found evidence of varying degrees of assistance provided by local authorities in courthouse immigration arrests by ICE/CBP. In some counties—Clark, for example—court dockets are publicly accessible online, enabling their use for immigration enforcement without direct contact with local government employees. In others, we found evidence of more active collaboration, including: formal agreements to share court dockets; sharing of information about defendants, including court dates, at the request of immigration officers; and proactive flagging of specific defendants for review by immigration enforcement.

Agreements to share court dockets for day-to-day review

In Grant County, formal agreements appear to exist between county officials and CBP, whereby the former share daily court dockets with immigration authorities to facilitate courthouse arrests. This appeared to result from a January 24, 2018 meeting between Grant County Prosecutor Garth Dano and CBP agent Thomas D. Watts. Following the meeting, Dano wrote to Watts, "Tom, it was great meeting you and the fellas today. [...] Look forward to your help here in Grant county," to which Watts replied, "It was great meeting you today as well. I look forward to working together in a mutually beneficial relationship." (See Appendix II, Record 1 below.)

In an exchange of emails following this meeting, Watts sent Grant County employees the email addresses of several CBP officers who he says "will be heavily involved in the day to day docket review." (See Appendix II, Record 2 below.) Indeed, records released to UWCHR show that employees of the Grant County Prosecuting Attorney's office began to forward calendars for upcoming dockets at the Moses Lake and Ephrata courthouses to the CBP agents the next day, January 25, 2018.³¹

In subsequent weeks, CBP agent Watts sent updates regarding courthouse arrests to employees of the Grant County Prosecuting Attorney's office; for example, on February 14, 2018, Watts wrote to Deputy Prosecuting Attorney Chad A. Jenks, "Just wanted you to know we have picked up three already this week. This program is a success, I feel. In addition, we've developed several targets off criminal aliens that have skipped their court dates. We'll get them as well. :)" When Jenks copied his supervisor Garth Dano on his response to Watts, Dano chimed in, "Great news Tom -garth." Later, on February 23, 2018, Watts replied to an emailed court docket with another update: "By the way, we picked up three more yesterday morning. It's been fun. :)" (see Appendix II, Records 3-4 and 5, below).

These practices are not limited to Grant County, however. In Adams County, correspondence obtained through public records requests suggests that the Adams County Prosecuting Attorney's office also routinely sent court dockets to a list of CBP officers (see Appendix II, Record 6 below).³²

Sharing information about specific individuals

The Grant County Sheriff's Office and the Grant County Prosecuting Attorney's office also sent emails directly to ICE Deportation Officer (DO) Jaimie Waite regarding specific individuals' court dates, including details about their cases (see Appendix II, Record 7 below). In some cases, this information was shared following specific requests by DO Waite, or in regards to defendants whose immigration status was a relevant factor in their prosecution, such as "Alien in Possession of a Firearm" cases. But in others, employees of the Grant County Prosecutor's office proactively

³¹ We note that the earliest reported courthouse arrests by ICE/CBP in Grant County included in the Appendix to this report occurred in February 2018.

³² A public records request for email correspondence between employees of the Adams County Sheriff's Office and ICE/CBP officials from November 1, 2017 to April 29, 2019, submitted by UWCHR in April 2019, remains pending as of the date of this preliminary report.

reached out to DO Waite to send him information about defendants, including where the defendant's immigration status was not pertinent to the charges in question. Given that all of the defendants whose information was shared with DO Waite have Latinx surnames, and that some were US citizens with latinx surnames (see Appendix II, Record 8), these communications raise concerns about possible ethnic profiling.

Confirming whether this information-sharing led to actual arrests is impossible without accessing ICE/CBP's own records. In at least one case, an individual whose court date was proactively shared with DO Waite by a Grant County Prosecutor's office employee in December 2017 was shortly thereafter booked into Yakima County jail as an immigration detainee under the jail's intergovernmental service agreement with ICE. But Yakima County Jail records do not specify the location of his arrest; if he were arrested at a Grant County courthouse, only ICE records would contain this information. UWCHR is currently in litigation with ICE for access to such records.

In at least one case—the aforementioned one of Juan Rodríguez, federal court records show that officials from Mabry Work Crew, a court-operated work program in Clark County, notified ICE that Mr. Rodríguez was completing his scheduled service, and they showed up and arrested him in the lobby of the Mabry facility.

In recognition of the detrimental consequences of the active involvement of local law enforcement in federal immigration enforcement, the legislature included significant prohibitions on such collaboration in the Keep Washington Working Act. While numerous Washington counties had already adopted many of these prohibitions, for others, implementation of this new law will necessitate significant changes to policy and internal culture. The new law became effective on May 21, 2019 and requires the Attorney General to publish model policies to implement its provisions within 12 months. Local law enforcement agencies will be required to adopt these policies or provide the Attorney General with their alternative policies for complying with the law.

Yet initial monitoring and enforcement of this new law is likely to be a challenge, since as the following example suggests, much of this communication between ICE and local law enforcement and prosecutors takes place behind the scenes. Community members, advocacy organizations and state and local governments are already engaged in promoting interim policies for local law enforcement agencies to implement Keep Washington Working's provisions. Once the Attorney General's policies are released, jurisdictions that fail to implement effective policies and who continue to collaborate with ICE and CBP's immigration enforcement actions will face an increased risk of legal action and liability.

Keep Washington Working does not expressly limit collaboration between prosecutors and immigration authorities³³ of the sort happening in Grant County, although such collaboration does undermine the intent of the legislature and the Governor in making the Keep Washington Working Act the law in Washington State, and it can be argued that the law's provisions implicitly include

³³ In Massachusetts, prosecutors and public defenders joined together to contest ICE's arrest of immigrants in courthouses, but in Washington, at least some prosecutors have been directly supportive of such practices.

prosecutorial conduct. As such, the law's passage may have a limited impact on curtailing current practices in this regard. Whether it will be an effective tool to limit prosecutor engagement with ICE and CBP, or whether other means will be necessary to do so, remains an open question.

Additionally, ICE's stated policy of "coordinating with courthouse security" and conducting civil immigration arrests in non-public areas of courthouses raises questions about the extent to which the federal immigration enforcement is commandeering resources provided through local government in apparent contravention of Washington's new law. Again, documenting such practices is difficult, since only ICE/CBP have access to records of these arrests. But some measures can be taken to, at minimum, instruct security officers on the appropriate boundaries of their interaction with federal agents. UWCHR's preliminary research has found that contracts for courthouse security do not currently offer any guidelines for how to interact with immigration enforcement.³⁴

Lastly, in many cases the collaboration of local government with immigration enforcement is passive rather than active. Digital tools made available by many local governments may facilitate ICE/CBP's identification of apprehension opportunities in courthouses. These include the online posting of daily court dockets, such as in the case of Clark County Superior Court and Clark County District Court; public jail rosters; and the sharing of information to federal databases which can be accessed for civil immigration enforcement.³⁵ The availability of these digital tools is uneven across the state; in light of the deleterious effects of courthouse arrests, guidelines for their appropriate use could be helpful.

³⁴ See for example Grant County's security service agreement with a private security contractor.

³⁵ For this reason, some other jurisdictions like King County Sheriff's Office have decided to suspend information-sharing with federal databases.

Conclusion

Our research shows that ICE's justification of courthouse arrests do not hold up to scrutiny based on what we know about the practice in Washington state.

First of all, as noted above, ICE claims that courthouse arrests are necessary public safety measures, both because the arrests target individuals who represent a threat to public security, and because now that fewer jails are collaborating with ICE detainees, courthouses present a weapons-free zone where arrests can be conducted more safely than at large in the community. Our research shows this reasoning is flawed on both counts. Many of the individuals apprehended at courthouses in Washington state had no prior criminal convictions, and/or were appearing in court on nonviolent charges, including, frequently, traffic offenses; their designation as public safety risks is questionable. Furthermore, many of these individuals were apprehended outside the courthouse itself, where their access to weapons would not be restricted anyway. And lastly, the counties where courthouse arrests are reportedly most frequent are precisely those where current local authorities collaborate *most* with federal immigration enforcement³⁶. Far from being a response to the limitations imposed by so-called "sanctuary" provisions, and a necessary means to protect officers and the public from dangerous individuals, courthouse arrests appear to be taking place because they are convenient for ICE and CBP: when it's publicly known where and when immigrants attending to matters of justice will appear, apprehending them in those places is easy and efficient.

Second, ICE acknowledges that courthouse arrests can generate alarm; its policy memo suggests that agents should refrain from conducting courthouse arrests in public view, and presumably, the use of plainclothes agents and unmarked vehicles is intended to render these operations less visible. But far from increasing safety, secret-police-like practices raise a host of deeply troubling issues and render us all more vulnerable. If anything, secrecy surrounding courthouse arrests may augment their corrosive impact on immigrants' trust in the judicial system.

ICE's assertion that concealing itself—the agency calls it "operating discreetly"—will avoid sowing fear is fundamentally wrongheaded. As the aforementioned studies show, alarm is already widespread among the immigrant community, for whom widely-reported courthouse arrests generate waves of fear registered throughout the nation. What's more, recent arrests in Washington state—such as the June 20, 2019 incident in which plainclothes agents wrestled a man to the ground outside a courthouse in Thurston County, described by Judge Buckley described as "having all the lookings of a kidnapping"—call into question what exactly ICE means by "discreet".

Lastly, by making accountability near impossible, secrecy facilitates abuse. In several of the accounts we reviewed, indications of potential misconduct arise, including ICE/CBP officers

³⁶ We refer here to practices like complying with ICE/CBP detainer requests, allowing ICE/CBP agents to interview inmates in local jails without a lawyer present, and notifying ICE/CBP of the date and time an inmate will be released. All of these forms of collaboration are prohibited under Keep Washington Working, and will therefore cease as the law is implemented.

reportedly refusing to identify themselves; declining to present warrants; and eavesdropping on conversations between attorneys and their clients to discern a target's place of birth. ICE and CBP's failures to respond to lawfully submitted requests for documentation about known arrests show that this aversion to transparency is not the result of misdeeds by individual agents who defy scrutiny, but characteristic of the institution as a whole.

In this climate, it is not entirely surprising that accessing the courts has become an increasingly tenuous proposition among immigrant communities in our state. Community advocates and lawyers report that immigrants increasingly avoid going to court, frequently compromising their own safety, as well as their ability to participate in their own defense against criminal charges, in order to avoid the possibility of deportation. This undermines the fundamental mission of Washington Courts, which is to ensure access to justice for all. It also threatens trust in other public institutions essential to the rule of law, undermining the security of all Washington residents.

Appendix I: Reports of courthouse arrests by ICE/CBP in Washington state

Case #	Date ³⁷	City	County	Source ³⁸
Adams 1	7/13/2018	Othello	Adams County	WAISN
Adams 2	10/17/2018	Othello	Adams County	WAISN
Adams 3	11/10/2018	Othello	Adams County	WAISN
Adams 4	1/22/2019	<i>Not specified</i>	Adams County	WAISN
Adams 5	2/6/2019	<i>Not specified</i>	Adams County	WAISN
Adams 6	2/6/2019	Othello	Adams County	WAISN
Adams 7	2/24/2019	Ritzville	Adams County	WAISN
Benton 1	4/29/2019	Kennewick	Benton County	WAISN
Clark 1	4/27/2017	Vancouver	Clark County	WDA, Media (<u>Columbian</u>)
Clark 2	10/1/2017	<i>Not specified</i>	Clark County	WDA
Clark 3	1/24/2018	Vancouver	Clark County	<u>NWIRP</u>
Clark 4	5/8/2018	Vancouver	Clark County	Court records
Clark 5	1/7/2019	Vancouver	Clark County	Public records
Clark 6	<i>Not specified</i>	<i>Not specified</i>	Clark County	WDA
Cowlitz 1	3/1/2019	Kelso	Cowlitz County	WDA
Franklin 1	3/11/2019	Pasco	Franklin County	WAISN
Franklin 2	4/1/2019	<i>Not specified</i>	Franklin County	WAISN
Grant 1	2/6/2018	<i>Not specified</i>	Grant County	WDA
Grant 2	2/22/2018	<i>Not specified</i>	Grant County	WDA
Grant 3	3/1/2018	Moses Lake	Grant County	WDA
Grant 4	3/27/2018	<i>Not specified</i>	Grant County	WDA
Grant 5	<i>Early 2019</i>	Ephrata	Grant County	NWIRP, Media (<u>Crosscut</u>)
Grant 6	3/18/2019	Ephrata	Grant County	WDA, Media (<u>Crosscut</u>)
Grant 7	7/11/2019	Ephrata	Grant County	NWIRP

³⁷ In some cases, the date included here is the date that the incident was reported, not the date of the arrest itself. In addition to the likelihood of other, unreported cases, it is possible that some cases represented here may be duplicated.

³⁸ Cases sourced to the Washington Immigrant Solidarity Network (WAISN) include incidents reported via the network's rapid response hotline as well as arrests witnessed by WAISN volunteers; cases sourced to the Washington Defenders Association (WDA) were reported in response to a survey of public defenders and other attorneys who witnessed or received reports of courthouse arrests of their clients or other individuals; cases sourced to Northwest Immigrant Rights Project (NWIRP) and the ACLU of Washington include individuals represented by these organizations.

University of Washington Center for Human Rights - October 1, 2019
<https://jsis.washington.edu/humanrights/2019/10/01/ice-cbp-courthouse-arrests/>

Grant 8	8/19/2019	Moses Lake	Grant County	WAISN
Grant 9	8/19/2019	Ephrata	Grant County	WAISN
Grant 10	8/20/2019	Ephrata	Grant County	WAISN
Grant 11	8/22/2019	Ephrata	Grant County	WAISN
Grant 12	9/26/2019	Ephrata	Grant County	Attorney report to UWCHR
King 1	5/5/2017	Kent	King County	Court records
King 2	8/2/2017	Seattle	King County	WDA
King 3	10/20/2017	Federal Way	King County	Court records
King 4	10/23/2017	Auburn	King County	WDA
King 5	10/30/2017	Bellevue	King County	Court records
King 6	12/31/2018	Seattle	King County	Court records, media reports (<u>Patch</u>)
Kitsap 1	10/19/2016	Bremerton	Kitsap County	Court records
Kitsap 2	11/16/2016	Bremerton	Kitsap County	Court records
Mason 1	3/16/2016	Shelton	Mason County	Court records
Mason 2	3/22/2018	Shelton	Mason County	Court records
Okanogan 1	10/12/2018	Okanogan	Okanogan County	WAISN
Pacific 1	3/4/2019	South Bend	Pacific County	ACLU
Pierce 1	1/12/2018	<i>Not specified</i>	Pierce County	WDA
Pierce 2	1/19/2018	Tacoma	Pierce County	Court records
Pierce 3	1/31/2018	<i>Not specified</i>	Pierce County	WDA
Skagit 1	9/13/2018	Mount Vernon	Skagit County	WAISN
Skagit 2	1/7/2019	Mount Vernon	Skagit County	WAISN
Spokane 1	10/15/2018	Spokane	Spokane County	WDA
Thurston 1	6/20/2019	Olympia	Thurston County	Public records, media (<u>Olympian</u>)
Yakima 1	4/1/2018	Yakima	Yakima County	WDA

Appendix II: Selected public records detailing local collaboration with ICE/CBP courthouse arrests

Record 1: Email correspondence between Garth Dano (Grant County Prosecuting Attorney) and Thomas D. Watts (CBP), January 24, 2018

From: WATTS, THOMAS D [mailto: [REDACTED]@cbp.dhs.gov]
Sent: Wednesday, January 24, 2018 4:28 PM
To: Garth Dano
Cc: Kevin J. McCrae; Kaye Burns; Chad A. Jenks; Alan White
Subject: RE: (No Subject)

It was great meeting you today as well. I look forward to working together in a mutually beneficial relationship.

You can reach out to me directly or to

[REDACTED]@cbp.dhs.gov

[REDACTED]@cbp.dhs.gov

if I can't provide immediate assistance.

Thanks again, Tom

From: Garth Dano
Sent: Wednesday, January 24, 2018 4:09:23 PM
To: WATTS, THOMAS D
Cc: Kevin J. McCrae; Kaye Burns; Chad A. Jenks; Alan White
Subject:

Tom, it was great meeting you and the fellas today. Could you all send me your phone and email info please. Look forward to your help here in Grant county

Record 2: Email correspondence between Kaye Burns (Grant County Prosecuting Attorney's Office) and Thomas D. Watts (CBP), January 24, 2018

From: WATTS, THOMAS D <[REDACTED]@cbp.dhs.gov>
Sent: Wednesday, January 24, 2018 4:48 PM
To: Kaye Burns; Garth Dano
Cc: Kevin J. McCrae; Chad A. Jenks; Alan White; ABBINK, BRIAN W; WEBB, MARC D
Subject: RE: (No Subject)

My apologies. You can use either email address for me. They both get to me. :)

As far as who to add to the distribution list, I would choose different names other than Agents Garcia and Clift. Please use the following addresses:

[REDACTED]@cbp.dhs.gov

[REDACTED]@cbp.dhs.gov

[REDACTED]@cbp.dhs.gov

They will be heavily involved in the day to day docket review.

Thanks,
Tom

From: Kaye Burns
Sent: Wednesday, January 24, 2018 4:37:52 PM
To: WATTS, THOMAS D; Garth Dano
Cc: Kevin J. McCrae; Chad A. Jenks; Alan White
Subject: RE: (No Subject)

Mr. Watts – I noticed your e-mail address is different than the one I was provided ([REDACTED]@dhs.gov). Could you please verify it for me so that I can forward our daily list to you? Also, do you wish the list to also be sent to the other two individuals you mentioned? Thank you.

Kaye Burns

Administrative Assistant
Grant County Prosecutor's Office
PO Box 37
Ephrata WA 98823
(509) [REDACTED]
(509) [REDACTED]
e-mail – [REDACTED]@grantcountywa.gov

Records 3-4: Email correspondence between Thomas D. Watts (CBP), Garth Dano (Grant County Prosecuting Attorney), and Chad A. Jenks (Grant County Deputy Prosecuting Attorney), February 14, 2018

From: WATTS, THOMAS D <[redacted]@cbp.dhs.gov>
Sent: Wednesday, February 14, 2018 2:29 PM
To: Chad A. Jenks
Subject: RE: 2.20 ML and 301 Calendars

Just wanted you to know we have picked up three already this week. This program is a success, I feel. In addition, we've developed several targets off criminal aliens that have skipped their court dates. We'll get them as well. ☺

Thanks again,
Tom

From: Garth Dano <[redacted]@grantcountywa.gov>
Sent: Wednesday, February 14, 2018 4:13 PM
To: Chad A. Jenks; WATTS, THOMAS D
Subject: RE: 2.20 ML and 301 Calendars

Great news Tom -garth

From: Chad A. Jenks
Sent: Wednesday, February 14, 2018 2:31 PM
To: WATTS, THOMAS D
Cc: Garth Dano
Subject: RE: 2.20 ML and 301 Calendars

Thanks Tom. Glad to hear that the laws are being enforced.

Chad A. Jenks
Deputy Prosecuting Attorney
District/Juvenile Division Supervisor
Grant County Prosecuting Attorney's Office
PO Box 37
Ephrata, WA 98823
Phone: [redacted]
Fax: [redacted]
[redacted]@grantcountywa.gov



Record 5: Email correspondence between Thomas D. Watts (CBP) and Chad A. Jenks (Grant County Deputy Prosecuting Attorney), February 23, 2018

From: WATTS, THOMAS D <[REDACTED]@cbp.dhs.gov>
Sent: Friday, February 23, 2018 10:03 AM
To: Chad A. Jenks
Subject: RE: Calendar for 3.01.2018 RM 301

No problem. By the way, we picked up three more yesterday morning. It's been fun. ☺

From: Chad A. Jenks [mailto:[REDACTED]@grantcountywa.gov]
Sent: Friday, February 23, 2018 9:52 AM
To: ABBINK, BRIAN W <[REDACTED]@cbp.dhs.gov>; WEBB, MARC D <[REDACTED]@cbp.dhs.gov>; WATTS, THOMAS D <[REDACTED]@cbp.dhs.gov>
Subject: FW: Calendar for 3.01.2018 RM 301

Sorry, was gone the last few days on vacation. Sending you some dockets.

Chad A. Jenks
Deputy Prosecuting Attorney
District/Juvenile Division Supervisor
Grant County Prosecuting Attorney's Office

From: KOLER, LOUIS V <[REDACTED]@cbp.dhs.gov>
Sent: Wednesday, April 10, 2019 12:01 PM
To: Helen Kenyon <[REDACTED]@co.adams.wa.us>
Subject: Contacts

Helen,

These are the current email addresses that we would like the dockets sent to. There will be a name change or two every 3-6 months as Agents switch responsibilities.
Thank you, we appreciate your assistance.

[REDACTED]@cbp.dhs.gov
[REDACTED]@CBP.DHS.GOV
[REDACTED]@cbp.dhs.gov
[REDACTED]@cbp.dhs.gov
[REDACTED]@CBP.DHS.GOV
[REDACTED]@CBP.DHS.GOV

Louis Koler

U.S. Border Patrol Agent

Spokane Border Patrol Station
10710 Newport Hwy, Spokane, WA 99218
(509) [REDACTED]

Record 6: Email from Louis V. Koler (CBP) to Helen Kenyon (Adams County Prosecuting Attorney's Office), April 10, 2019

From: KOLER, LOUIS V <[REDACTED]@cbp.dhs.gov>
Sent: Wednesday, April 10, 2019 12:01 PM
To: Helen Kenyon <[REDACTED]@co.adams.wa.us>
Subject: Contacts

Helen,

These are the current email addresses that we would like the dockets sent to. There will be a name change or two every 3-6 months as Agents switch responsibilities.
Thank you, we appreciate your assistance.

[REDACTED]@cbp.dhs.gov
[REDACTED]@CBP.DHS.GOV
[REDACTED]@cbp.dhs.gov
[REDACTED]@cbp.dhs.gov
[REDACTED]@CBP.DHS.GOV
[REDACTED]@CBP.DHS.GOV

Louis Koler

U.S. Border Patrol Agent

Spokane Border Patrol Station
10710 Newport Hwy, Spokane, WA 99218
(509) [REDACTED]

Record 7: Email from Janet Millard (Grant County Prosecuting Attorney's Office) in reply to Jaimie A. Waite (Deportation Officer, ICE), June 18, 2018

From: Janet Millard <[REDACTED]@grantcountywa.gov>
Sent: Monday, June 18, 2018 4:22 PM
To: Waite, Jaimie A
Subject: RE: [REDACTED]

Arrestment 7/2/18

From: Waite, Jaimie A (mailto:[REDACTED]@ice.dhs.gov]
Sent: Monday, June 18, 2018 2:13 PM
To: Janet Millard <[REDACTED]@grantcountywa.gov>
Subject: [REDACTED]

Can you tell me this fellows case number and next court date?

Thanks.

(FBI# [REDACTED] / AH [REDACTED]).

Jaimie Waite
Deportation Officer
301 Yakima Street – G28
Wenatchee, WA 98801

Record 8: Email from Jaimie A. Waite (Deportation Officer, ICE) in reply to inquiry from Alan White (Grant County Chief Deputy Prosecutor), September 11, 2018

From: Waite, Jaimie A <[REDACTED]@ice.dhs.gov>
Sent: Tuesday, September 11, 2018 3:25 PM
To: Alan White
Subject: RE: [REDACTED]

He is a US Citizen. I don't pick on US Citizens.

Thank you.

From: Alan White [mailto:[REDACTED]@grantcountywa.gov]
Sent: Tuesday, September 11, 2018 2:03 PM
To: Waite, Jaimie A <[REDACTED]@ice.dhs.gov>
Subject: [REDACTED]

Are you working on this gentleman?
Would your agency be following this case?
DOB [REDACTED]
Has no FBI number, but a SSN.
He appeared to be employed, we do not have any prior record or DOL records on him

Alan White
Chief Deputy Prosecutor
Grant County Prosecutor Office

Record 9: Email from Sgt. Greg Knutson (Grant County Sheriff's Office) to Jaimie A. Waite (Deportation Officer, ICE), October 11, 2017

From: Greg Knutson <[REDACTED]@grantcountywa.gov>
Sent: Wednesday, October 11, 2017 5:37 PM
To: Waite, Jaimie A
Subject: have one

Yo Homie, call me tomorrow morning at 2487. Just booked a guy with a prior deportation for assault 4 dv. Should go to court around 1030. [REDACTED]. Using an alias of [REDACTED]. DOB: [REDACTED]
FBI # [REDACTED], SID # [REDACTED]
Sgt. Greg Knutson, J9
Grant County Sheriff's Office
Gang Unit/Firearms Instr.
P.O. Box 37
Ephrata, Wa 98823
(509) [REDACTED]
[REDACTED]@grantcautywa.gov

WASHINGTON STATE
BAR ASSOCIATION

**Memo from WSBA Committee on
Professional Ethics Re: The CPE's
view on the Proposed Amendment
to Rule 4.4 Comment (4) and
Proposed General Rule 38**

MEMORANDUM

TO: Terra Nevitt, Interim Executive Director

FROM: WSBA Committee on Professional Ethics

RE: The CPE's view on the Proposed Amendment to Rule 4.4 Comment (4) and Proposed General Rule 38

DATE: January 8, 2020

Issue

The Committee on Professional Ethics (CPE) received information that on November 6, 2019, the Supreme Court of Washington ordered publication of the Proposed Amendment to Rule of Professional Conduct 4.4 Comment (4) for comment within 60 days. This Proposed Amendment is attached hereto as Exhibit A. It details the names of the Proponent Organizations, the purpose behind their proposal, request for expedited consideration, and the suggested Rule changes.

At the same time, the Proponent Organizations also proposed a new General Rule 38 prohibiting civil arrests, without a judicial arrest warrant or judicial order for arrest of a person, inside a court of law in connection with a judicial proceeding or other business with the court or while a person is traveling to such a proceeding. A copy of the proposed General Rule is attached as hereto as Exhibit C. The proposed General Rule was also accepted for comment by the Washington State Supreme Court on November 6, 2019, with a 60-day comment period.

The Board of Governors of the Washington Bar Association tasked the CPE to formulate its view on the Proposed Amendment. In addition, the CPE was asked to advise the Board of Governors on whether the Proposed Amendment to RPC 4.4 Comment (4) has an impact on the advisability of the proposed GR 38, or vice versa.

The CPE's view on the proposed GR 38

The Committee believes that, while they have similar aims, the proposed GR 38 and the Proposed Amendment to RPC 4.4 Comment (4) do not conflict or overlap in significant ways. The CPE notes that, if GR 38 is adopted, facilitating a process that leads to an

arrest of a person engaged in a judicial process or judicial business would likely violate RPC 8.4(h) and (j).

CPE’s view on the Proposed Amendment of RPC 4.4 Comment (4)

The CPE believes that many of the changes in the Proposed Amendment are unnecessary and are not warranted for the reasons stated in the Analysis section below. If changes are to be made to the Rule, the CPE believes that its proposed changes in Exhibit B should be adopted instead.

CPE’s view on expedited consideration of the Proposed Amendment of RPC 4.4 Comment (4)

The CPE also strongly believes that expedited consideration of the Proposed Amendment is not warranted.

First, the Proponent Organizations do not cite, nor was the CPE able to locate, any data to indicate an ongoing pattern or practice of “the use of civil immigration enforcement as a weapon against immigrant parties and witnesses across Washington” by the attorneys in the Washington State Bar Association. Absent supporting data, the CPE struggles to identify the exceptional circumstances justifying expedited consideration of the Proposed Amendment.

Second, and more importantly, the CPE believes a normal comment period is necessary to allow such affected parties as prosecutors, practicing lawyers employed by local, state, and federal authorities, and practicing lawyers who are also public officials, a meaningful opportunity to voice their opinions on the impact of the proposed changes. As described in detail below, some of the proposed changes to Comment (4) appear to expand the scope of Rule 4.4 itself, which is something that at the very least calls for sufficient time to allow for careful deliberation and an opportunity for the affected parties to be heard.

Analysis

- I. The CPE disagrees with the proposed replacement of “a third” with “any” on line 4 of the Suggested Amendment. The original language is intended to cover any person who is not also a client and the language of the Rule itself specifically calls out “a third person” as the intended recipient of the protection. Responsibilities of a lawyer vis-à-vis their clients are covered by other Rules and the CPE does not see any reason why this Rule should be expanded to cover a lawyer’s own clients when the Rule itself explicitly only covers third parties.

- II. The CPE agrees with the changes in lines 5, 8 and 12 of the Proposed Amendment to encompass both civil and criminal matters. There does not appear to be any justification for limiting the Rule to the obstruction of a person from participating in a civil matter only. There also does not appear to be any reason for limiting the Rule to apply to lawyers who are representing clients in civil matters only. The CPE agrees that the Rule should apply to lawyers who represent clients in both civil and criminal matters.
- III. The CPE disagrees with the changes in lines 5-6 of the Suggested Amendment (adding “or otherwise assists with civil immigration enforcement.”) This suggested addition does not appear to fit into the sentence grammatically. It also appears to be a standalone statement not tied to the purpose of intimidating, coercing, or obstructing a third person. This addition should be rejected because it goes beyond the scope of the Rule itself.
- IV. In lines 8-12 of the Proposed Amendment, there is a truncation of the original Rule in the suggested language and the language in bold below appears to have been omitted:

When a lawyer is representing a client in a ~~civil~~ matter, whether the client is the state or one of its political subdivisions, an organization, or an individual, a lawyer’s communication to a party or a witness that the lawyer will report that person to immigration authorities, or a lawyer’s report of that person to immigration authorities, furthers no substantial purpose of the ~~civil~~ adjudicative **process if the lawyer’s purpose is to intimidate, coerce, or obstruct that person, and violates this Rule.**

If the drafters meant to propose the deletion the language in bold, we disagree, as the Rule explicitly imposes an intent element, and it should remain as a qualifier here.

The CPE does not believe it is necessary to add an explanation as to what “a client” means in lines 9-10. There is no presumption in the Rules that “a client” means an individual client. As such, the CPE believes that the suggested addition of “whether the client is the state or one of its political subdivisions, an organization, or an individual” is redundant and should be rejected, particularly as inclusion of the explanation can lead to confusion as to what “a client” means elsewhere in the Rules.

The CPE believes the insertion “and violates this Rule” in line 12 of the Suggested Amendment is not necessary, as the violation of the Rule is implicit in the statement, but only provided the lawyer’s purpose is to intimidate, coerce, or obstruct.

- V. The CPE disagrees with the addition in lines 15-18 of the Proposed Amendment (stating “Sharing personal information with federal immigration authorities, including but not limited to, home address, court hearing dates, citizenship, or immigration status, or place of birth, absent a court order, for the purpose of facilitating civil immigration arrests, is conduct that is in violation of this Rule.”).

First, this proposed language presupposes that the purpose of facilitating civil immigration arrests is necessarily a purpose “to intimidate, coerce, or obstruct” within the meaning of RPC 4.4. This is not apparent, as facilitating civil immigration arrests may be a legitimate purpose in many circumstances. Additionally, there is ambiguity in the statement “for the purpose of facilitating civil immigration arrests”—does it need to be an express and predominant purpose? Does it require knowledge on the part of the sharer that the information will facilitate an arrest, or is it presumed by virtue of the immigration authorities’ mission? To illustrate, lawyers employed by the federal government such as civil and criminal Assistant United States Attorneys (AUSAs), Department of Justice attorneys, and others routinely and properly obtain, use, and share information about defendants’, investigative targets’ and witnesses’ immigration status. AUSAs and other federally employed lawyers are routinely tasked with enforcing federal immigration laws—note that these are not lawyers employed by federal immigration authorities, which the Proponent Organizations seek to exempt from the Rule, *see* paragraph X below. Further, prosecutors (both state and federal) can and often are required to gather and use immigration information in the course of their duties. For example, in some cases a government witness’s immigration status might give rise to a basis for impeachment that must be ascertained and disclosed to a defendant, such as if there is a likelihood of immigration related benefits provided to the witness as a result of their testimony. The proposed language will place prosecutors – both state and federal – in a position of deciding whether to refrain from learning or inquiring about immigration matters pertaining to a witness in order to clearly comply with this Rule and therefore risk violating their ethical duties to disclose potentially exculpatory information to a defendant.

Second, this categorical language may violate a lawyer’s First Amendment rights, if such sharing is done not in the context of representing a client, but rather in a personal capacity.

The CPE believes that this categorical statement goes beyond the plain language of RPC 4.4 by a) presuming that facilitating immigration arrests is always a purpose that is meant “to intimidate, coerce, or obstruct” and by b) omitting the qualifier that this must be in the context of representing a client. This proposed language should therefore be rejected.

- VI. The CPE disagrees with the suggested addition of reference to Rule 1.6(a) starting on line 19. Rule 1.6(a) prohibits a lawyer from sharing information relating to the representation of a client. Rule 4.4 deals with protecting a third party who is not a client and as such a reference to Rule 1.6(a) does not appear to be relevant here and may cause confusion. This addition should be rejected.
- VII. The CPE disagrees with the proposed addition in line 25 of “immigration status” to the list of protected bases under RPC 8.4(h). RPC 8.4 (h) specifically enumerates the protected bases (“sex, race, age, creed, religion, color, national origin, disability, sexual orientation, honorably discharged veteran or military status, or marital status”). It does not mention immigration status, and the proposed addition of this language appears to be expanding RPC 8.4(h) beyond what the Rule itself states. The CPE believes that the proposed expansion of RPC 8.4(h) to include immigration status should follow the official Rule amendment process rather than being introduced in an interpretive comment to another Rule.
- VIII. The CPE disagrees with the proposed addition starting on line 28: “Government officials may provide immigration authorities with information relating to any person involved in matters before a court only pursuant to RCW 7.98, or upon request and in the same manner and to the same extent as such information is lawfully made available to the general public, or pursuant to a court order.” As an initial matter, the RPCs do not apply generally to all government officials, rather only to lawyers who may also be government officials. Further, even as restricted to the subset of government officials who are lawyers, the source and authority of this suggested prescription is unclear and appears to go beyond the scope of RPC 4.4. This proposed language should be rejected.
- IX. The CPE has concerns with the proposed addition of the following language starting on line 31: “Additionally, under 8 U.S.C. § 1373, government officials are not prohibited from sending to or receiving from immigration authorities a person’s immigration status or citizenship.” This statute states:

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

8 U.S.C. § 1373 (a).

The United States District Court for the Eastern District of California court noted in *U.S. v. California*, 314 F. Supp. 3d 1077, 1101 (2018), that the constitutionality of this statute is “highly suspect.” (aff’d in part, rev’d in part by *U.S. v. California*, 921 F.3d 865 (9th Cir. 2019)).

Two district court cases in other jurisdictions have ruled that this statute is unconstitutional on its face because, per the U.S. Supreme Court in *Murphy v. Nat'l Collegiate Athletic Ass'n*, 138 S. Ct. 1461 (2018), the Tenth Amendment prevents the federal government from prohibiting a state or local jurisdiction from enacting new laws or policies. *See City of Philadelphia v. Sessions*, 309 F. Supp. 3d 289, 296 (E.D. Pa. 2018), and *City of Chicago v. Sessions*, 872 F. Supp. 3d 855, 872 (N.D. Ill. 2018).

Besides the issue of suspect constitutionality of the referenced statute, the CPE feels that this proposal short shrifts and mischaracterizes the language of the statute itself. For instance, the proposal does not specify which government officials are covered by the statute, and it does not clarify that the statute is proscriptive (i.e., the statute states that there may not be any prohibition on or restriction of the sharing of information with the Immigration and Naturalization Service).

The CPE is unclear on why this language is proposed. If the purpose is to acknowledge a statute-mandated exemption from this Rule for government officials, (including state government officials such as prosecutors), then the suggested language should explicitly state so. The CPE would like to point out, though, that such exception would undermine the very impetus behind the proposal to amend RPC 4.4, which was a concern that certain county prosecutors have allegedly shared information with immigration officials, causing immigration arrests in or near courthouses. A vague and unclear reference to the statute without an explanation as to its applicability to lawyers subject to the RPCs is unhelpful and serves no purpose other than to confuse. It should thus be removed.

- X. The CPE disagrees with the suggested addition starting on line 32, which states: “Lawyers employed by federal immigration authorities engaged in authorized activities within the scope of lawful duties shall not be deemed in violation of this

rule.” As drafted, the implication appears to be that lawyers “employed by federal immigration authorities” (presumably a reference to Homeland Security) can never violate RPC 4.4 generally. Further, it is unclear why the proposal only seeks to exempt lawyers employed by federal immigration authorities and omits lawyers employed by other parts of the federal government who may also be legitimately engaged in the enforcement of federal immigration laws.

Given that the Rule requires an element of a certain intent and given that, as described in paragraph V above, sharing of information with immigration authorities for the purpose of facilitating civil immigration arrests should not be automatically deemed violative of the Rule, the CPE sees no reason to categorically exempt any lawyers from the Rule, but acknowledges the need for a presumptive exemption for those in government employ. The CPE proposes that this language should be qualified as noted in Exhibit B.

Conclusion:

For the reasons articulated above, the CPE believes that many of the proposed changes to RPC 4.4 Comment (4) should be rejected and recommends adoption of its proposed changes instead. The CPE also calls for a normal comment period to allow adequate time for the affected attorney groups to voice their opinion on the proposed changes.

EXHIBIT A

GR Cover Sheet, Proposed
Amendment to Comment on Rules of
Professional Conduct Comment to Rule
4.4 Respect for Rights of Third Person

GR 9 COVER SHEET

**Proposed Amendment to
COMMENT ON RULES OF PROFESSIONAL CONDUCT (RPC)
Comment to Rule 4.4 – RESPECT FOR RIGHTS OF THIRD PERSON**

A. Names of Proponents:

American Civil Liberties Union of Washington (ACLU-WA), Washington Defender Association, Northwest Justice Project, Northwest Immigrant Rights Project, Washington Immigrant Solidarity Network, Columbia Legal Services, Central Washington Justice For Our Neighbors, Asian Pacific Islander Institute on Gender-Based Violence, Washington State Coalition Against Domestic Violence, Washington Coalition of Sexual Assault Programs, Colectiva Legal del Pueblo

B. Spokesperson:

Enoka Herat, Attorney
American Civil Liberties Union of Washington
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Tel: (206) 624-2184 Email: eherat@aclu-wa.org

C. Purpose:

Since Comment (4) to Rule of Professional Conduct (RPC) 4.4 was originally adopted in 2013, the landscape of immigration enforcement has drastically changed. A technical amendment to the comment is needed to clarify that the protections extend to the use of civil immigration enforcement as a weapon against immigrant parties and witnesses across Washington. The changes to the comment would prevent all lawyers in Washington from reporting individuals to immigration authorities in both civil and criminal cases and help to ensure that all lawyers are upholding their duty to facilitate access to justice. The proposed changes also provide exceptions for state and federal law, and for lawyers employed by federal immigration authorities.

These clarifications to the existing comment are proposed to prevent warrantless civil arrests being conducted in and around Washington courthouses by federal immigration enforcement agents. Cooperation with federal immigration enforcement agencies to facilitate these arrests transforms state courthouses into a staging ground for immigration detention and deportation, and makes the courthouse a frightening and unwelcoming place for immigrants and their families. The Washington State Bar Association (WSBA) Board of Governors unanimously approved sending a letter to the Department of Homeland Security recognizing that the “situation leads to access to justice impediments and risks less safe communities.”¹ Chief Justice Fairhurst has sent similar letters to ICE and Customs and Border Protection (CBP) asserting that these arrests “impede the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of their immigration status.”²

¹ See attached letter from WSBA BOG to ICE.

² See supplemental materials at 2 and 3.

Unfortunately, as reflected in the current Comment [4], lawyers have used immigration enforcement as a strategic tactic knowing that ICE and CBP have in recent months increased their presence at courthouses.³

Immigration enforcement actions have occurred at courthouses throughout Washington, in at least 16 different counties.⁴ ICE and CBP primarily target people of color, predominantly Latinx Spanish speakers. Targeted people are stopped, questioned and/or apprehended as they seek to enter, are inside, or are leaving a Washington courthouse. As a result, noncitizens, including immigrants with lawful status, and their families and communities are afraid to engage with our state's justice system. Defendants fear showing up for court dates to answer and defend against criminal charges. They must choose risking additional charges for failing to appear or being arrested, detained and possibly deported by immigration enforcement officers. These circumstances compromise defense attorneys' capacity and obligations to defend clients, and prosecutors are impeded in their duties to pursue justice for alleged criminal violations. Similarly, victims of crime, including domestic violence are afraid to seek judicial protections for fear being separated from their children or otherwise having to defend themselves against possible deportation.

Our Supreme Court Chief Justice, WSBA, and prosecutors around the country — including in California, Colorado, Massachusetts, and New York — have publicly condemned immigration enforcement actions in courthouses because of the chilling effect on immigrants. However, as the University of Washington's Center for Human Rights has recently reported, some prosecutors in Washington have proactively shared information and reported people to ICE.⁵ Many prosecutors know first-hand that the specter of county involvement in ICE arrests harms public trust in law enforcement, making people less likely to come forward as crime witnesses or to seek protection because they fear doing so will lead ICE agents to detain and deport them or their family members. As a letter sent by California prosecutors to ICE noted, “[n]o one should fear that their immigration status prevents them from seeking justice, whether as a crime victim or otherwise.”⁶

The proposed amendment seeks to clarify that all lawyers in Washington are prohibited from sharing someone's personal information in order to facilitate immigration arrests as doing so burdens community members' access to courts. In Washington State, law enforcement is already prohibited from sharing nonpublic, personal information with immigration authorities,⁷ as are state agencies.⁸ Extending these prohibitions to all lawyers promotes fairness, public safety, and access to justice for all Washingtonians.⁹

³ Lilly Fowler, More Immigrants Report Arrests at WA Courthouses, Despite Outcry, <https://crosscut.com/2019/04/more-immigrants-report-arrests-wa-courthouses-despite-outcry>, (last accessed on 9/26/19).

⁴ See attached report, University of Washington Center for Human Rights, *Justice Compromised, Immigration arrests at Washington state courthouses* (Oct. 2019).

⁵ See *Id.*

⁶ Letter to Attorney General Jeff Sessions from California Prosecutors, <https://fairandjustprosecution.org/wpcontent/uploads/2017/09/Letter-to-AG-Sessions-from-California-Prosecutors.pdf> (April 2017).

⁷ See SB 5497 (2019-20), Section 6(5),

<http://lawfilesexternal.wa.gov/biennium/201920/Pdf/Bills/Senate%20Passed%20Legislature/5497-S2.PL.pdf>.

⁸ See Executive Order 17-01, https://www.governor.wa.gov/sites/default/files/exe_order/eo_17-01.pdf (February 2017).

⁹ Additionally, an update to the comment was necessary to recognize prosecutors' obligations under state and federal law, as well as to protect lawyers employed by federal immigration agencies.

It is a fundamental right of all Washington residents to access our courts. Const. art. 1, § 10. Justice system stakeholders must take all possible steps to ensure Washington courts are open, neutral and accessible to the public, free of restrictions that would otherwise impede the proper administration of justice. The technical amendment comment to RPC 4.4 furthers the intent of the current comment and reflects the need to ensure that all lawyers, including prosecutors, are not contributing to immigration arrests which actively undermine access to justice. Accordingly, it is appropriate and necessary that the proposed technical amendment to the comment to RPC 4.4 is adopted.

D. Hearing:

The proponents do not believe a public hearing is needed.

E. Expedited Consideration:

The proponents believe exceptional circumstances justify expedited consideration of the suggested technical amendment to the comment to RPC 4.4 and request that the Rules Committee proceed to a 30 day comment period. If the Rules Committee deems it necessary to direct the proposed commentary to the WSBA's Professional Ethics Committee for review, we request that the committee ask that the review be expedited and seek a response within a timeframe time that circumstances warrant.

F. Supporting Materials:

1. *Immigration Enforcement at Washington State Courthouses*, Washington Immigrant Solidarity Network, August 29, 2019.
2. Letter From Chief Justice Mary Fairhurst to Commissioner Kevin McAleenan, US Customs and Border Protection, April 15, 2019.
3. Letter from Chief Justice Mary Fairhurst to Secretary John Kelly, US Department of Homeland Security, March 15, 2017.
4. Letter from Robin L. Haynes, Washington State Board of Governors to Secretary John Kelly, US Department of Homeland Security, June 1, 2017.
5. *Justice Compromised: Immigration Arrests At Washington State Courthouses*, University of Washington Center For Human Rights, October 1, 2019.

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SUGGESTED RULE CHANGES

RULES OF PROFESSIONAL CONDUCT 4.4 COMMENT (4)

The duty imposed by paragraph (a) of this Rule includes a lawyer's assertion or inquiry about any third person's immigration status when the lawyer's purpose is to intimidate, coerce, or obstruct that person from participating in a civil or criminal matter, or otherwise assists with civil immigration enforcement. Issues involving immigration status carry a significant danger of interfering with the proper functioning of the justice system. See *Salas v. Hi-Tech Erectors*, 168 Wn.2d 664, 230 P.3d 583 (2010). When a lawyer is representing a client in a civil matter, whether the client is the state or one of its political subdivisions, an organization, or an individual, a lawyer's communication to a party or a witness that the lawyer will report that person to immigration authorities, or a lawyer's report of that person to immigration authorities, furthers no substantial purpose of the civil adjudicative and violates this Rule.

A communication in violation of this Rule can also occur by an implied assertion that is the equivalent of an express assertion prohibited by paragraph (a). Sharing personal information with federal immigration authorities, including but not limited to, home address, court hearing dates, citizenship or immigration status, or place of birth, absent a court order, for the purpose of facilitating civil immigration arrests is conduct that is in violation of this Rule. See also Rules 1.6(a) (prohibiting a lawyer from revealing information relating to the representation of a client), 8.4(b) (prohibiting criminal acts that reflect adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), 8.4(d) (prohibiting conduct prejudicial to the administration of justice), and 8.4(h) (prohibiting conduct that is prejudicial to the administration of justice toward judges, lawyers, LLLTs, other parties, witnesses, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, immigration status, disability, sexual orientation, or marital status).

Government officials may provide federal immigration authorities with information relating to any person involved in matters before a court only pursuant to RCW 7.98, or upon request and in the same manner and to the same extent as such information is lawfully made available to the general public, or pursuant to a court order. Additionally, under 8 U.S.C. § 1373, government officials are not prohibited from sending to or receiving from immigration authorities a person's immigration status or citizenship. Lawyers employed by federal immigration authorities engaged in authorized activities within the scope of lawful duties shall not be deemed in violation of this rule.

EXHIBIT B

CPE Suggested Changes to Rule 4.4 comment (4)

EXHIBIT B

COMMITTEE ON PROFESSIONAL ETHICS

SUGGESTED RULE CHANGES

RULES OF PROFESSIONAL CONDUCT 4.4 COMMENT (4)

The duty imposed by paragraph (a) of this Rule includes a lawyer's assertion or inquiry about a third person's immigration status when the lawyer's purpose is to intimidate, coerce, or obstruct that person from participating in a civil or criminal matter. Issues involving immigration status carry a significant danger of interfering with the proper functioning of the justice system. See *Salas v. Hi-Tech Erectors*, 168 Wn.2d 664, 230 P.3d 583 (2010). When a lawyer is representing a client in a civil or criminal matter, a lawyer's communication to a party or a witness that the lawyer will report that person to immigration authorities, or a lawyer's report of that person to immigration authorities, furthers no substantial purpose of the ~~civil~~ adjudicative system if the lawyer's purpose is to intimidate, coerce, or obstruct that person.

A communication in violation of this Rule can also occur by an implied assertion that is the equivalent of an express assertion prohibited by paragraph (a). See also Rules 8.4(b) (prohibiting criminal acts that reflect adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), 8.4(d) (prohibiting conduct prejudicial to the administration of justice), and 8.4(h) (prohibiting conduct that is prejudicial to the administration of justice toward judges, lawyers, LLLTs, other parties, witnesses, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status).

Lawyers employed by local, state and federal government entities engaged in authorized activities within the scope of lawful duties are presumptively not in violation of this Rule unless there is clear indication of no substantial purpose other than to intimidate, coerce, or obstruct a third person from participating in a legal matter.

TO: WSBA Board of Governors
FROM: Terra Nevitt, Interim Executive Director
DATE: January 9, 2020
RE: Proposed Policy Re: Requests for Action

ACTION: Adopt Policy to Set Forth Preferred Process for Submitting Matters to the Board for Action

Attached, please find a proposed policy that would outline a preferred process for handling matters submitted to the Board for action. The policy incorporates language that was developed by CFO Jorge Perez with review and input from Treasurer Dan Clark and President Rajeev Majumdar with regard to decisions that impact budget.



WSBA

BOARD OF GOVERNORS

BOARD OF GOVERNORS POLICY RE: REQUESTS FOR ACTION

Pursuant to the WSBA Bylaws, the Board of Governors (BOG) is the governing body of the Bar that determines the general policies of the Bar and approves its budget each year.

The BOG adopts this policy to set forth the preferred process for submitting matters to the Board for action. The goal of this process is to ensure that the Board had sufficient information to make a decision, including compliance with relevant rules, fiscal impact, and the input of various stakeholders.

This policy does not limit the President's authority under the Bylaws to establish the agenda and order of business for each BOG meeting.

1. **Initial Request.** Requests for BOG action should be submitted to the President and the Executive Director. The President and Executive Director, in consultation with WSBA General Counsel will determine whether the request is appropriately taken up under General Rule 12.2, the WSBA Bylaws and any other applicable law or order.
2. **Review by BOG Committee.** If the request is from an individual or a non-WSBA entity, the President may refer it to the appropriate BOG Committee to determine whether the matter should be explored further. If there is not a BOG Committee appropriate to the subject matter, it may be referred to the Executive Committee.
3. **Analysis.** When a matter has been requested by a WSBA entity or has been approved for further exploration by a BOG Committee, the Executive Director will ensure that the matter is analyzed, including fiscal impact, stakeholder analysis and input, rule compliance, and implementation implications. A reasonable amount of time should be provided for this analysis taking into account the scope, magnitude, and relative novelty of the request. This information will be shared, as appropriate, to aid in the Board's decision-making.

Requests Requiring Amendment to the WSBA Budget

Changes to the WSBA Budget should not be approved without a rigorous review of the pros, cons and impacts of said change. As such, any request, proposal, change or suggestion that would require a change to the WSBA budget that arises during a meeting or has not been subject to analysis as described above, should be tabled until the next BOG meeting in order to provide time for that analysis.

The review will be performed by the Treasurer, CFO, HR Director, WSBA President, and the Executive lead for the department affected. The review and potential request will be taken to the Budget and

Audit committee for discussion and analysis. The committee's recommendation(s), are intended to be completed and delivered to the BOG for approval in its next meeting.

Approved by the Board of Governors on [DATE]

PROPOSED

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.]

WASHINGTON STATE
BAR ASSOCIATION

General Information

WASHINGTON STATE BAR ASSOCIATION

WSBA MISSION

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.

WSBA GUIDING PRINCIPLES

The WSBA will operate a well-managed association that supports its members and advances and promotes:

- **Access to the justice system.**
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.
- **Diversity, equality, and cultural understanding throughout the legal community.**
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.
- **The public’s understanding of the rule of law and its confidence in the legal system.**
Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.
- **A fair and impartial judiciary.**
- **The ethics, civility, professionalism, and competence of the Bar.**

MISSION FOCUS AREAS

Ensuring Competent and Qualified Legal Professionals

- Cradle to Grave
- Regulation and Assistance

Promoting the Role of Legal Professionals in Society

- Service
- Professionalism

PROGRAM CRITERIA

- 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

- **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**



WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



Rajeev Majumdar
President



Kyle Sciuchetti
President-Elect



Bill Pickett
Immediate Past
President



Terra Nevitt
Interim Exec. Dir.
& Secretary

2019-2020



Sunitha Anjilvel
Governor District 1



Carla Higginson
Governor District 2



Brian Tollefson
Governor District 6



Paul Swegle
Governor District 7-North



Jean Kang
Governor District 7-South



Kim Hunter
Governor District 8



Bryn Peterson
Governor District 9



Thomas A. McBride
Governor District 10



P.J. Grabicki
Governor District 5



Dan Clark
Governor District 4



Kyle Sciuchetti
Governor District 3



Hunter Abell
Governor At-Large



Alec Stephens
Governor At-Large



Russell Knight
Governor At-Large

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

Anthony David Gipe
President

phone: 206.386.4721
e-mail: adgipeWSBA@gmail.com

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



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.

WASHINGTON STATE
B A R A S S O C I A T I O N

Financial Reports

(Audited)

Year to Date September 30, 2019

Prepared by Maggie Yu, Controller
Submitted by
Jorge Perez, Chief Financial Officer
December 11, 2019

Washington State Bar Association Financial Summary
Year to Date as of September 30, 2019 100% 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	7,500	274,292	271,867	41,777	62,957	316,068.29	334,824	(308,568.29)	(327,324)
Administration	329,633	100,000	1,117,474	1,138,769	4,237	4,885	1,121,711.31	1,143,654	(792,078.67)	(1,043,654)
Admissions/Bar Exam	1,332,120	1,327,400	849,161	841,048	384,892	416,931	1,234,053.14	1,257,979	98,066.86	69,421
Board of Governors	-	-	600,427	530,178	261,225	304,531	861,652.00	834,709	(861,652.00)	(834,709)
Communications Strategies	25,318	50,750	545,852	550,782	100,958	104,800	646,810.86	655,582	(621,492.45)	(604,832)
Conference & Broadcast Services	-	-	802,253	780,393	8,063	3,500	810,316.18	783,893	(810,316.18)	(783,893)
Discipline	90,087	96,200	5,557,915	5,664,008	173,562	220,267	5,731,477.06	5,884,275	(5,641,390.16)	(5,788,075)
Diversity	143,774	120,374	545,456	544,641	18,890	21,550	564,345.70	566,191	(420,571.95)	(445,817)
Foundation	-	-	151,974	150,663	3,549	14,200	155,522.98	164,863	(155,522.98)	(164,863)
Human Resources	-	-	391,398	204,958	-	-	391,398.12	204,958	(391,398.12)	(204,958)
Law Clerk Program	168,403	166,000	138,945	142,665	4,789	11,350	143,733.74	154,015	24,669.26	11,985
Legislative	-	-	138,260	135,416	12,940	18,650	151,199.72	154,066	(151,199.72)	(154,066)
Licensing and Membership Records	404,990	304,350	637,752	636,327	33,782	45,812	671,534.00	682,139	(266,543.55)	(377,789)
Licensing Fees	16,217,283	15,958,200	-	-	-	-	-	-	16,217,282.99	15,958,200
Limited License Legal Technician	25,508	-	207,871	215,591	30,779	25,600	238,650.01	241,191	(213,142.01)	(241,191)
Limited Practice Officers	-	-	158,623	168,653	3,049	3,000	161,672.44	156,182	(161,672.44)	(171,653)
Mandatory CLE	1,186,632	1,050,000	624,148	620,981	251,648	252,448	875,795.72	873,429	310,835.84	176,571
Member Assistance Program	12,719	10,000	140,488	141,224	1,307	1,275	141,795.00	142,499	(129,076.20)	(132,499)
Member Benefits	20,249	17,000.00	88,995	92,611	161,206	185,096	250,200.44	277,707	(229,951.44)	(260,707)
Member Services & Engagement	168,117	141,200.00	487,039	505,614	30,367	56,065	517,405.50	561,679	(349,288.64)	(420,479)
NW Lawyer	561,142	461,350	295,535	302,818	448,787	355,635	744,322.02	658,453	(183,179.65)	(197,103)
Office of General Counsel	342	-	794,785	928,680	3,468	13,076	798,253.44	941,756	(797,911.17)	(941,756)
OGC-Disciplinary Board	-	-	170,840	187,073	78,554	103,500	249,394.23	290,573	(249,394.23)	(290,573)
Outreach and Engagement	-	-	373,135	371,046	24,509	30,852	397,644.55	401,898	(397,644.55)	(401,898)
Practice of Law Board	-	-	44,401	74,063	15,272	16,000	59,672.15	90,063	(59,672.15)	(90,063)
Professional Responsibility Program	-	-	259,576	258,870	8,556	6,700	268,132.38	265,570	(268,132.38)	(265,570)
Public Service Programs	139,504	112,000	126,636	142,504	238,666	232,415	365,302.10	374,919	(225,798.10)	(262,919)
Publication and Design Services	-	-	146,765	141,602	4,280	5,263	151,044.66	146,865	(151,044.66)	(146,865)
Sections Administration	294,638	300,000	517,337	515,018	8,957	9,297	526,293.13	524,315	(231,655.63)	(224,315)
Technology	-	-	1,641,879	1,540,222	-	-	1,641,878.95	1,540,222	(1,641,878.95)	(1,540,222)
Subtotal General Fund	21,127,959	20,222,324	17,829,210	17,798,285	2,358,070	2,525,655	20,187,279.82	20,323,940	940,678.68	(101,616)
Expenses using reserve funds							20,187,279.82			
Total General Fund - Net Result from Operations									940,678.68	(101,616)
Percentage of Budget	104.48%		100.17%		93.36%		0.99			
CLE-Seminars and Products	1,800,477	1,879,500	1,141,140	1,150,797	447,278	393,776	1,588,417.98	1,544,573	212,058.58	334,927
CLE - Deskbooks	157,844	160,000	219,876	217,303	227,867	69,390	447,742.54	286,693	(289,898.66)	(126,693)
Total CLE	1,958,320	2,039,500	1,361,016	1,368,100	675,145	463,166	2,036,160.52	1,831,266	(77,840.08)	208,234
Percentage of Budget	96.02%		99.48%		145.77%		1.11			
Total All Sections	548,382	544,140	-	-	587,501	841,025	587,500.78	841,025	(39,118.85)	(296,885)
Client Protection Fund-Restricted	1,119,310	992,500	147,772	164,210	383,382	504,000	531,154.83	668,210	588,155.11	324,290
Management of Western States Bar Conference (NO)	67,858	68,200	-	-	57,617	62,800	57,616.51	62,800	10,240.99	5,400
Totals	24,821,828	23,866,664	19,337,997.71	19,330,595	4,061,715	4,396,646	23,399,712.46	23,727,241	1,422,115.85	139,423
Percentage of Budget	104.00%		100.04%		92.38%		0.99			

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	3,816,143.11
Western States Bar Conference	8,340	13,740	18,581.01
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	604,125	812,359	526,285
Section Funds	1,160,343	863,458	1,121,224
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	450,000	450,000	550,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,845,858	1,744,242	2,686,537
Total General Fund Balance	3,795,858	3,694,242	4,736,536.68
Net Change in general Fund Balance		(101,616)	940,679
Total Fund Balance	8,796,654	8,936,077	10,218,770
Net Change In Fund Balance		139,423	1,422,116

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% 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	1,322,495.21	16,053,477.87	(275,477.87)	101.75%
LLLT LICENSE FEES	5,800.00	479.15	6,491.95	(691.95)	111.93%
LPO LICENSE FEES	174,400.00	14,534.79	157,313.17	17,086.83	90.20%
TOTAL REVENUE:	<u>15,958,200.00</u>	<u>1,337,509.15</u>	<u>16,217,282.99</u>	<u>(259,082.99)</u>	<u>101.62%</u>

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	7,500.00	-	100.00%
TOTAL REVENUE:	7,500.00	7,500.00	7,500.00	-	100.00%
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	-	1,260.45	739.55	63.02%
LEADERSHIP TRAINING	2,000.00	-	802.75	1,197.25	40.14%
ATJ BOARD EXPENSE	24,000.00	1,832.77	15,813.95	8,186.05	65.89%
STAFF TRAVEL/PARKING	3,500.00	89.26	3,893.21	(393.21)	111.23%
STAFF MEMBERSHIP DUES	120.00	-	100.00	20.00	83.33%
PUBLIC DEFENSE	7,000.00	465.28	2,908.45	4,091.55	41.55%
CONFERENCE/INSTITUTE EXPENSE	14,837.00	-	13,714.56	1,122.44	92.43%
RECEPTION/FORUM EXPENSE	9,500.00	-	3,283.29	6,216.71	34.56%
TOTAL DIRECT EXPENSES:	62,957.00	2,387.31	41,776.66	21,180.34	66.36%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	160,817.00	12,339.75	162,522.11	(1,705.11)	101.06%
BENEFITS EXPENSE	59,156.00	4,705.00	56,488.03	2,667.97	95.49%
OTHER INDIRECT EXPENSE	51,894.00	4,647.61	55,281.49	(3,387.49)	106.53%
TOTAL INDIRECT EXPENSES:	271,867.00	21,692.36	274,291.63	(2,424.63)	100.89%
TOTAL ALL EXPENSES:	334,824.00	24,079.67	316,068.29	18,755.71	94.40%
NET INCOME (LOSS):	(327,324.00)	(16,579.67)	(308,568.29)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	70,000.00	(7,214.29)	231,185.85	(161,185.85)	330.27%
GAIN/LOSS ON INVESTMENTS	30,000.00	-	98,446.79	(68,446.79)	328.16%
TOTAL REVENUE:	100,000.00	(7,214.29)	329,632.64	(229,632.64)	329.63%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	1,355.89	(1,196.55)	1,196.55	
STAFF TRAVEL/PARKING	4,200.00	805.20	3,605.20	594.80	85.84%
STAFF MEMBERSHIP DUES	685.00	-	599.17	85.83	87.47%
MISCELLANEOUS	-	673.98	1,229.42	(1,229.42)	
TOTAL DIRECT EXPENSES:	4,885.00	2,835.07	4,237.24	647.76	86.74%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.97 FTE)	700,100.00	40,634.52	680,554.19	19,545.81	97.21%
BENEFITS EXPENSE	241,718.00	17,431.77	226,923.90	14,794.10	93.88%
OTHER INDIRECT EXPENSE	196,951.00	17,654.76	209,995.98	(13,044.98)	106.62%
TOTAL INDIRECT EXPENSES:	1,138,769.00	75,721.05	1,117,474.07	21,294.93	98.13%
TOTAL ALL EXPENSES:	1,143,654.00	78,556.12	1,121,711.31	21,942.69	98.08%
NET INCOME (LOSS):	(1,043,654.00)	(85,770.41)	(792,078.67)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	21,875.00	32,760.00	2,240.00	93.60%
BAR EXAM FEES	1,200,000.00	49,460.00	1,226,675.00	(26,675.00)	102.22%
RPC BOOKLETS	-	-	150.00	(150.00)	
SPECIAL ADMISSIONS	60,000.00	3,065.00	38,425.00	21,575.00	64.04%
LLLT EXAM FEES	7,500.00	-	2,910.00	4,590.00	38.80%
LLLT WAIVER FEES	900.00	-	600.00	300.00	66.67%
LPO EXAMINATION FEES	24,000.00	1,200.00	30,600.00	(6,600.00)	127.50%
TOTAL REVENUE:	1,327,400.00	75,600.00	1,332,120.00	(4,720.00)	100.36%
DIRECT EXPENSES:					
DEPRECIATION	17,776.00	-	-	17,776.00	0.00%
POSTAGE	4,000.00	1,556.28	5,060.44	(1,060.44)	126.51%
STAFF TRAVEL/PARKING	13,000.00	700.00	16,933.94	(3,933.94)	130.26%
STAFF MEMBERSHIP DUES	400.00	(200.00)	300.00	100.00	75.00%
SUPPLIES	2,500.00	-	1,703.19	796.81	68.13%
FACILITY, PARKING, FOOD	70,000.00	-	88,428.48	(18,428.48)	126.33%
EXAMINER FEES	35,000.00	-	26,000.00	9,000.00	74.29%
UBE EXMINATIONS	130,000.00	71,642.00	108,674.00	21,326.00	83.60%
BOARD OF BAR EXAMINERS	25,000.00	4,703.46	30,327.29	(5,327.29)	121.31%
BAR EXAM PROCTORS	31,000.00	-	30,126.50	873.50	97.18%
CHARACTER & FITNESS BOARD	20,000.00	1,740.34	15,699.67	4,300.33	78.50%
DISABILITY ACCOMMODATIONS	20,000.00	-	18,943.16	1,056.84	94.72%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	-	900.00	0.00%
LAW SCHOOL VISITS	1,000.00	70.40	729.52	270.48	72.95%
EXAM WRITING	28,355.00	-	28,350.00	5.00	99.98%
SPEAKERS & PROGRAM DEVELOP	-	74.43	336.03	(336.03)	
COURT REPORTERS	18,000.00	3,809.58	13,120.88	4,879.12	72.89%
PRINTING & COPYING	-	-	158.75	(158.75)	
TOTAL DIRECT EXPENSES:	416,931.00	84,096.49	384,891.85	32,039.15	92.32%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.30 FTE)	496,503.00	40,312.11	502,378.70	(5,875.70)	101.18%
BENEFITS EXPENSE	188,862.00	14,990.33	180,566.91	8,295.09	95.61%
OTHER INDIRECT EXPENSE	155,683.00	13,974.10	166,215.68	(10,532.68)	106.77%
TOTAL INDIRECT EXPENSES:	841,048.00	69,276.54	849,161.29	(8,113.29)	100.96%
TOTAL ALL EXPENSES:	1,257,979.00	153,373.03	1,234,053.14	23,925.86	98.10%
NET INCOME (LOSS):	69,421.00	(77,773.03)	98,066.86		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	364.30	3,497.14	1,902.86	64.76%
STAFF MEMBERSHIP DUES	2,131.00	-	1,125.00	1,006.00	52.79%
TELEPHONE	1,000.00	-	421.19	578.81	42.12%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	60,000.00	-	100.00%
BOG MEETINGS	117,000.00	3,692.48	114,351.30	2,648.70	97.74%
BOG COMMITTEES' EXPENSES	30,000.00	2,696.88	21,052.80	8,947.20	70.18%
BOG CONFERENCE ATTENDANCE	49,000.00	6,668.83	29,292.45	19,707.55	59.78%
BOG TRAVEL & OUTREACH	35,000.00	7,416.78	25,224.39	9,775.61	72.07%
ED TRAVEL & OUTREACH	5,000.00	1,518.67	5,816.38	(816.38)	116.33%
BAR STRUCTURE WORKGROUP	-	-	444.48	(444.48)	
TOTAL DIRECT EXPENSES:	304,531.00	22,357.94	261,225.13	43,305.87	85.78%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	361,878.00	21,292.60	431,204.63	(69,326.63)	119.16%
BENEFITS EXPENSE	107,757.00	8,480.35	104,665.23	3,091.77	97.13%
OTHER INDIRECT EXPENSE	60,543.00	5,427.44	64,557.01	(4,014.01)	106.63%
TOTAL INDIRECT EXPENSES:	530,178.00	35,200.39	600,426.87	(70,248.87)	113.25%
TOTAL ALL EXPENSES:	834,709.00	57,558.33	861,652.00	(26,943.00)	103.23%
NET INCOME (LOSS):	(834,709.00)	(57,558.33)	(861,652.00)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% 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	24,179.88	24,344.88	25,655.12	48.69%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	300.00	450.00	40.00%
WSBA LOGO MERCHANDISE SALES	-	113.53	673.53	(673.53)	
TOTAL REVENUE:	50,750.00	24,293.41	25,318.41	25,431.59	49.89%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	786.50	4,636.50	63.50	98.65%
STAFF MEMBERSHIP DUES	1,000.00	-	1,195.00	(195.00)	119.50%
SUBSCRIPTIONS	10,050.00	47.56	7,156.19	2,893.81	71.21%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	-	406.36	1,043.64	28.02%
APEX DINNER	63,000.00	37,295.17	66,301.45	(3,301.45)	105.24%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	150.77	8,609.72	(609.72)	107.62%
COMMUNICATIONS OUTREACH	15,000.00	175.59	11,938.13	3,061.87	79.59%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
EQUIPMENT, HARDWARE & SOFTWARE	-	-	384.25	(384.25)	
TELEPHONE	-	27.60	294.73	(294.73)	
CONFERENCE CALLS	-	-	36.09	(36.09)	
TOTAL DIRECT EXPENSES:	104,800.00	38,483.19	100,958.42	3,841.58	96.33%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.62 FTE)	312,393.00	23,175.13	309,727.53	2,665.47	99.15%
BENEFITS EXPENSE	124,221.00	9,571.09	114,431.22	9,789.78	92.12%
OTHER INDIRECT EXPENSE	114,168.00	10,231.04	121,693.69	(7,525.69)	106.59%
TOTAL INDIRECT EXPENSES:	550,782.00	42,977.26	545,852.44	4,929.56	99.10%
TOTAL ALL EXPENSES:	655,582.00	81,460.45	646,810.86	8,771.14	98.66%
NET INCOME (LOSS):	(604,832.00)	(57,167.04)	(621,492.45)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:	_____	_____	_____	_____	_____
TRANSLATION SERVICES	3,500.00	869.00	8,063.20	(4,563.20)	230.38%
TOTAL DIRECT EXPENSES:	<u>3,500.00</u>	<u>869.00</u>	<u>8,063.20</u>	<u>(4,563.20)</u>	<u>230.38%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	429,625.00	35,628.53	448,870.14	(19,245.14)	104.48%
BENEFITS EXPENSE	174,080.00	13,873.07	164,906.17	9,173.83	94.73%
OTHER INDIRECT EXPENSE	<u>176,688.00</u>	<u>15,845.59</u>	<u>188,476.67</u>	<u>(11,788.67)</u>	<u>106.67%</u>
TOTAL INDIRECT EXPENSES:	<u>780,393.00</u>	<u>65,347.19</u>	<u>802,252.98</u>	<u>(21,859.98)</u>	<u>102.80%</u>
TOTAL ALL EXPENSES:	<u>783,893.00</u>	<u>66,216.19</u>	<u>810,316.18</u>	<u>(26,423.18)</u>	<u>103.37%</u>
NET INCOME (LOSS):	<u>(783,893.00)</u>	<u>(66,216.19)</u>	<u>(810,316.18)</u>		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	3,200.00	212.50	1,851.25	1,348.75	57.85%
RECOVERY OF DISCIPLINE COSTS	80,000.00	8,042.30	72,283.51	7,716.49	90.35%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,608.65	15,952.14	(2,952.14)	122.71%
TOTAL REVENUE:	96,200.00	9,863.45	90,086.90	6,113.10	93.65%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	7,123.00	328.00	7,649.56	(526.56)	107.39%
PUBLICATIONS PRODUCTION	444.00	194.10	405.35	38.65	91.30%
STAFF TRAVEL/PARKING	35,000.00	4,957.60	31,920.49	3,079.51	91.20%
STAFF MEMBERSHIP DUES	3,900.00	-	2,985.05	914.95	76.54%
TELEPHONE	2,300.00	196.18	2,400.52	(100.52)	104.37%
COURT REPORTERS	55,000.00	5,298.30	30,221.81	24,778.19	54.95%
OUTSIDE COUNSEL/AIC	2,000.00	-	37.49	1,962.51	1.87%
LITIGATION EXPENSES	25,000.00	1,743.96	20,707.22	4,292.78	82.83%
DISABILITY EXPENSES	7,500.00	-	5,475.00	2,025.00	73.00%
ONLINE LEGAL RESEARCH	68,000.00	185.90	62,014.67	5,985.33	91.20%
LAW LIBRARY	12,500.00	862.08	9,483.86	3,016.14	75.87%
TRANSLATION SERVICES	1,500.00	-	247.89	1,252.11	16.53%
CONFERENCE CALLS	-	-	12.84	(12.84)	
TOTAL DIRECT EXPENSES:	220,267.00	13,766.12	173,561.75	46,705.25	78.80%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.88 FTE)	3,556,329.00	250,348.31	3,449,703.31	106,625.69	97.00%
BENEFITS EXPENSE	1,196,316.00	93,838.40	1,136,517.65	59,798.35	95.00%
OTHER INDIRECT EXPENSE	911,363.00	81,692.24	971,694.35	(60,331.35)	106.62%
TOTAL INDIRECT EXPENSES:	5,664,008.00	425,878.95	5,557,915.31	106,092.69	98.13%
TOTAL ALL EXPENSES:	5,884,275.00	439,645.07	5,731,477.06	152,797.94	97.40%
NET INCOME (LOSS):	(5,788,075.00)	(429,781.62)	(5,641,390.16)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	-	6,273.75	4,100.25	60.48%
TOTAL REVENUE:	120,374.00	-	143,773.75	(23,399.75)	119.44%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	6,000.00	481.52	5,628.58	371.42	93.81%
STAFF MEMBERSHIP DUES	350.00	-	150.00	200.00	42.86%
COMMITTEE FOR DIVERSITY	5,000.00	538.61	5,863.64	(863.64)	117.27%
DIVERSITY EVENTS & PROJECTS	10,000.00	230.92	7,177.09	2,822.91	71.77%
INTERNAL DIVERSITY OUTREACH	200.00	-	70.24	129.76	35.12%
TOTAL DIRECT EXPENSE:	21,550.00	1,251.05	18,889.55	2,660.45	87.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.05 FTE)	328,835.00	24,607.91	327,814.35	1,020.65	99.69%
BENEFITS EXPENSE	115,724.00	9,206.79	110,788.72	4,935.28	95.74%
OTHER INDIRECT EXPENSE	100,082.00	8,983.33	106,853.08	(6,771.08)	106.77%
TOTAL INDIRECT EXPENSES:	544,641.00	42,798.03	545,456.15	(815.15)	100.15%
TOTAL ALL EXPENSES:	566,191.00	44,049.08	564,345.70	1,845.30	99.67%
NET INCOME (LOSS):	(445,817.00)	(44,049.08)	(420,571.95)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	-	649.96	150.04	81.25%
STAFF TRAVEL/PARKING	1,400.00	-	43.79	1,356.21	3.13%
SUPPLIES	500.00	14.29	14.29	485.71	2.86%
SPECIAL EVENTS	5,000.00	250.00	250.00	4,750.00	5.00%
BOARD OF TRUSTEES	3,000.00	193.48	542.45	2,457.55	18.08%
POSTAGE	500.00	-	48.93	451.07	9.79%
TOTAL DIRECT EXPENSES:	14,200.00	457.77	3,549.42	10,650.58	25.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.15 FTE)	89,538.00	6,323.98	90,605.44	(1,067.44)	101.19%
BENEFITS EXPENSE	32,707.00	2,465.99	30,944.86	1,762.14	94.61%
OTHER INDIRECT EXPENSE	28,418.00	2,557.76	30,423.26	(2,005.26)	107.06%
TOTAL INDIRECT EXPENSES:	150,663.00	11,347.73	151,973.56	(1,310.56)	100.87%
TOTAL ALL EXPENSES:	164,863.00	11,805.50	155,522.98	9,340.02	94.33%
NET INCOME (LOSS):	(164,863.00)	(11,805.50)	(155,522.98)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	53.60	273.60	(123.60)	182.40%
STAFF MEMBERSHIP DUES	1,250.00	251.65	1,029.65	220.35	82.37%
SUBSCRIPTIONS	2,100.00	-	2,531.52	(431.52)	120.55%
STAFF TRAINING- GENERAL	30,000.00	149.73	10,719.76	19,280.24	35.73%
RECRUITING AND ADVERTISING	7,000.00	-	13,416.43	(6,416.43)	191.66%
PAYROLL PROCESSING	49,000.00	3,860.03	45,155.99	3,844.01	92.16%
SALARY SURVEYS	2,900.00	-	2,510.30	389.70	86.56%
CONSULTING SERVICES	10,000.00	-	28,206.20	(18,206.20)	282.06%
TRANSFER TO INDIRECT EXPENSE	(102,400.00)	(4,315.01)	(103,843.45)	1,443.45	101.41%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	260,398.00	17,519.55	248,914.17	11,483.83	95.59%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
BENEFITS EXPENSE	84,017.00	5,837.24	77,926.97	6,090.03	92.75%
OTHER INDIRECT EXPENSE	60,543.00	5,427.42	64,556.98	(4,013.98)	106.63%
TOTAL INDIRECT EXPENSES:	204,958.00	28,784.21	391,398.12	(186,440.12)	190.97%
TOTAL ALL EXPENSES:	204,958.00	28,784.21	391,398.12	(186,440.12)	190.97%
NET INCOME (LOSS):	(204,958.00)	(28,784.21)	(391,398.12)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% 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	(1,336.00)	164,603.00	(2,603.00)	101.61%
LAW CLERK APPLICATION FEES	4,000.00	600.00	3,800.00	200.00	95.00%
TOTAL REVENUE:	166,000.00	(736.00)	168,403.00	(2,403.00)	101.45%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	250.00	-	100.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	6,000.00	20.91	4,363.77	1,636.23	72.73%
STAFF TRAVEL/PARKING	-	-	33.33	(33.33)	
LAW CLERK OUTREACH	5,000.00	-	142.01	4,857.99	2.84%
TOTAL DIRECT EXPENSES:	11,350.00	20.91	4,789.11	6,560.89	42.19%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	84,449.00	6,356.75	80,456.95	3,992.05	95.27%
BENEFITS EXPENSE	31,033.00	2,455.82	29,548.30	1,484.70	95.22%
OTHER INDIRECT EXPENSE	27,183.00	2,433.00	28,939.38	(1,756.38)	106.46%
TOTAL INDIRECT EXPENSES:	142,665.00	11,245.57	138,944.63	3,720.37	97.39%
TOTAL ALL EXPENSES:	154,015.00	11,266.48	143,733.74	10,281.26	93.32%
NET INCOME (LOSS):	11,985.00	(12,002.48)	24,669.26		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	18.00	2,034.46	2,515.54	44.71%
STAFF MEMBERSHIP DUES	450.00	-	130.00	320.00	28.89%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	400.00	-	-	400.00	0.00%
OLYMPIA RENT	2,500.00	-	1,353.12	1,146.88	54.12%
CONTRACT LOBBYIST	5,000.00	-	5,000.00	-	100.00%
LOBBYIST CONTACT COSTS	1,000.00	-	-	1,000.00	0.00%
LEGISLATIVE COMMITTEE	2,500.00	-	2,440.63	59.37	97.63%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
TOTAL DIRECT EXPENSES:	18,650.00	18.00	12,940.01	5,709.99	69.38%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	80,340.00	6,051.18	80,440.04	(100.04)	100.12%
BENEFITS EXPENSE	27,893.00	2,394.56	28,880.32	(987.32)	103.54%
OTHER INDIRECT EXPENSE	27,183.00	2,433.00	28,939.35	(1,756.35)	106.46%
TOTAL INDIRECT EXPENSES:	135,416.00	10,878.74	138,259.71	(2,843.71)	102.10%
TOTAL ALL EXPENSES:	154,066.00	10,896.74	151,199.72	2,866.28	98.14%
NET INCOME (LOSS):	(154,066.00)	(10,896.74)	(151,199.72)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% 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	2,286.53	19,053.19	2,946.81	86.61%
RULE 9/LEGAL INTERN FEES	11,000.00	850.00	13,500.00	(2,500.00)	122.73%
INVESTIGATION FEES	22,000.00	1,200.00	28,600.00	(6,600.00)	130.00%
PRO HAC VICE	230,000.00	22,650.00	332,071.00	(102,071.00)	144.38%
MEMBER CONTACT INFORMATION	19,000.00	1,555.00	11,358.26	7,641.74	59.78%
PHOTO BAR CARD SALES	350.00	12.00	408.00	(58.00)	116.57%
TOTAL REVENUE:	304,350.00	28,553.53	404,990.45	(100,640.45)	133.07%
DIRECT EXPENSES:					
DEPRECIATION	13,812.00	1,150.00	13,806.00	6.00	99.96%
POSTAGE	29,000.00	-	17,535.32	11,464.68	60.47%
LICENSING FORMS	3,000.00	-	2,441.11	558.89	81.37%
TOTAL DIRECT EXPENSES:	45,812.00	1,150.00	33,782.43	12,029.57	73.74%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.35 FTE)	395,080.00	29,350.56	395,248.27	(168.27)	100.04%
BENEFITS EXPENSE	133,752.00	10,594.56	127,858.97	5,893.03	95.59%
OTHER INDIRECT EXPENSE	107,495.00	9,638.37	114,644.33	(7,149.33)	106.65%
TOTAL INDIRECT EXPENSES:	636,327.00	49,583.49	637,751.57	(1,424.57)	100.22%
TOTAL ALL EXPENSES:	682,139.00	50,733.49	671,534.00	10,605.00	98.45%
NET INCOME (LOSS):	(377,789.00)	(22,179.96)	(266,543.55)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
SEMINAR REGISTRATIONS	-	-	25,508.00	(25,508.00)	
TOTAL REVENUE:	-	-	25,508.00	(25,508.00)	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	-	431.49	168.51	71.92%
LLLT BOARD	17,000.00	1,863.33	14,648.53	2,351.47	86.17%
LLLT OUTREACH	8,000.00	-	2,652.24	5,347.76	33.15%
LLLT EDUCATION	-	324.80	13,047.18	(13,047.18)	
TOTAL DIRECT EXPENSES:	25,600.00	2,188.13	30,779.44	(5,179.44)	120.23%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.55 FTE)	135,526.00	9,072.22	121,991.10	13,534.90	90.01%
BENEFITS EXPENSE	41,762.00	3,748.94	45,067.54	(3,305.54)	107.92%
OTHER INDIRECT EXPENSE	38,303.00	3,431.17	40,811.93	(2,508.93)	106.55%
TOTAL INDIRECT EXPENSES:	215,591.00	16,252.33	207,870.57	7,720.43	96.42%
TOTAL ALL EXPENSES:	241,191.00	18,440.46	238,650.01	2,540.99	98.95%
NET INCOME (LOSS):	(241,191.00)	(18,440.46)	(213,142.01)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	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	278.48	3,049.49	(49.49)	101.65%
TOTAL DIRECT EXPENSES:	3,000.00	278.48	3,049.49	(49.49)	101.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.17 FTE)	99,089.00	7,352.56	94,543.91	4,545.09	95.41%
BENEFITS EXPENSE	40,651.00	2,763.89	33,284.57	7,366.43	81.88%
OTHER INDIRECT EXPENSE	28,913.00	2,588.96	30,794.47	(1,881.47)	106.51%
TOTAL INDIRECT EXPENSES:	168,653.00	12,705.41	158,622.95	10,030.05	94.05%
TOTAL ALL EXPENSES:	171,653.00	12,983.89	161,672.44	9,980.56	94.19%
NET INCOME (LOSS):	(171,653.00)	(12,983.89)	(161,672.44)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	44,800.00	621,845.00	(81,845.00)	115.16%
FORM 1 LATE FEES	150,000.00	14,250.00	201,437.50	(51,437.50)	134.29%
MEMBER LATE FEES	203,000.00	750.00	194,625.00	8,375.00	95.87%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	-	43,000.00	-	100.00%
ATTENDANCE LATE FEES	85,000.00	4,000.00	92,280.00	(7,280.00)	108.56%
COMITY CERTIFICATES	29,000.00	225.00	33,444.06	(4,444.06)	115.32%
TOTAL REVENUE:	1,050,000.00	64,025.00	1,186,631.56	(136,631.56)	113.01%
DIRECT EXPENSES:					
DEPRECIATION	249,948.00	20,843.00	249,935.00	13.00	99.99%
STAFF MEMBERSHIP DUES	500.00	-	500.00	-	100.00%
MCLE BOARD	2,000.00	102.04	1,212.88	787.12	60.64%
TOTAL DIRECT EXPENSES:	252,448.00	20,945.04	251,647.88	800.12	99.68%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.90 FTE)	374,898.00	34,489.27	375,385.72	(487.72)	100.13%
BENEFITS EXPENSE	124,996.00	9,953.08	119,648.11	5,347.89	95.72%
OTHER INDIRECT EXPENSE	121,087.00	10,854.87	129,114.01	(8,027.01)	106.63%
TOTAL INDIRECT EXPENSES:	620,981.00	55,297.22	624,147.84	(3,166.84)	100.51%
TOTAL ALL EXPENSES:	873,429.00	76,242.26	875,795.72	(2,366.72)	100.27%
NET INCOME (LOSS):	176,571.00	(12,217.26)	310,835.84		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	1,875.00	10,891.80	(891.80)	108.92%
SEMINAR REGISTRATIONS	-	-	1,372.00	(1,372.00)	
LAP GROUPS REVENUE	-	175.00	455.00	(455.00)	
TOTAL REVENUE:	10,000.00	2,050.00	12,718.80	(2,718.80)	127.19%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	256.26	(56.26)	128.13%
STAFF MEMBERSHIP DUES	225.00	-	226.00	(1.00)	100.44%
PROF LIAB INSURANCE	850.00	-	825.00	25.00	97.06%
TOTAL DIRECT EXPENSES:	1,275.00	-	1,307.26	(32.26)	102.53%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	84,582.00	6,324.60	84,214.93	367.07	99.57%
BENEFITS EXPENSE	34,402.00	2,633.20	32,527.62	1,874.38	94.55%
OTHER INDIRECT EXPENSE	22,240.00	1,996.29	23,745.19	(1,505.19)	106.77%
TOTAL INDIRECT EXPENSES:	141,224.00	10,954.09	140,487.74	736.26	99.48%
TOTAL ALL EXPENSES:	142,499.00	10,954.09	141,795.00	704.00	99.51%
NET INCOME (LOSS):	(132,499.00)	(8,904.09)	(129,076.20)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER SERVICES & ENGAGEMENT					
REVENUE:					
ROYALTIES	30,000.00	88.60	47,875.11	(17,875.11)	159.58%
NMP PRODUCT SALES	70,000.00	6,208.99	88,427.69	(18,427.69)	126.33%
SPONSORSHIPS	1,200.00	-	725.00	475.00	60.42%
SEMINAR REGISTRATIONS	30,000.00	-	16,134.06	13,865.94	53.78%
TRIAL ADVOCACY PROGRAM	10,000.00	-	14,955.00	(4,955.00)	149.55%
TOTAL REVENUE:	141,200.00	6,297.59	168,116.86	(26,916.86)	119.06%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,500.00	577.59	1,776.68	2,723.32	39.48%
SUBSCRIPTIONS	480.00	15.00	846.60	(366.60)	176.38%
CONFERENCE CALLS	200.00	32.34	132.31	67.69	66.16%
YLL SECTION PROGRAM	1,100.00	103.36	843.36	256.64	76.67%
WYLC CLE COMPS	1,000.00	-	250.00	750.00	25.00%
WYLC OUTREACH EVENTS	2,500.00	1,327.76	1,844.69	655.31	73.79%
WYL COMMITTEE	15,000.00	1,088.24	6,180.73	8,819.27	41.20%
OPEN SECTIONS NIGHT	4,400.00	-	2,999.64	1,400.36	68.17%
RURAL PLACEMENT PROGRAM	10,500.00	9.42	9.42	10,490.58	0.09%
TRIAL ADVOCACY EXPENSES	2,500.00	-	2,347.00	153.00	93.88%
RECEPTION/FORUM EXPENSE	4,000.00	90.93	3,777.74	222.26	94.44%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	799.50	2,081.27	418.73	83.25%
STAFF MEMBERSHIP DUES	385.00	(75.00)	109.00	276.00	28.31%
LENDING LIBRARY	5,500.00	1,879.57	4,979.61	520.39	90.54%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	24.04	2,188.52	(688.52)	145.90%
TOTAL DIRECT EXPENSES:	56,065.00	5,872.75	30,366.57	25,698.43	54.16%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.98 FTE)	296,941.00	22,932.79	276,550.83	20,390.17	93.13%
BENEFITS EXPENSE	110,321.00	8,763.99	105,490.28	4,830.72	95.62%
OTHER INDIRECT EXPENSE	98,352.00	8,827.36	104,997.82	(6,645.82)	106.76%
TOTAL INDIRECT EXPENSES:	505,614.00	40,524.14	487,038.93	18,575.07	96.33%
TOTAL ALL EXPENSES:	561,679.00	46,396.89	517,405.50	44,273.50	92.12%
NET INCOME (LOSS):	(420,479.00)	(40,099.30)	(349,288.64)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
SPONSORSHIPS	8,000.00	-	5,500.00	2,500.00	68.75%
INTERNET SALES	9,000.00	490.00	14,749.00	(5,749.00)	163.88%
TOTAL REVENUE:	17,000.00	490.00	20,249.00	(3,249.00)	119.11%
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	531.69	1,168.31	31.28%
WSBA CONNECTS	46,560.00	-	31,040.00	15,520.00	66.67%
CASEMAKER & FASTCASE	136,336.00	6.54	129,363.49	6,972.51	94.89%
CONFERENCE CALLS	-	-	270.41	(270.41)	
TOTAL DIRECT EXPENSES:	185,096.00	6.54	161,205.59	23,890.41	87.09%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.73 FTE)	54,366.00	4,579.62	50,239.13	4,126.87	92.41%
BENEFITS EXPENSE	20,206.00	1,630.30	19,462.58	743.42	96.32%
OTHER INDIRECT EXPENSE	18,039.00	1,622.02	19,293.14	(1,254.14)	106.95%
TOTAL INDIRECT EXPENSES:	92,611.00	7,831.94	88,994.85	3,616.15	96.10%
TOTAL ALL EXPENSES:	277,707.00	7,838.48	250,200.44	27,506.56	90.10%
NET INCOME (LOSS):	(260,707.00)	(7,348.48)	(229,951.44)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	48,643.00	325,488.10	(27,988.10)	109.41%
SUBSCRIPT/SINGLE ISSUES	350.00	-	165.18	184.82	47.19%
CLASSIFIED ADVERTISING	12,500.00	1,798.50	16,414.30	(3,914.30)	131.31%
GEN ANNOUNCEMENTS	17,500.00	2,704.00	10,088.00	7,412.00	57.65%
PROF ANNOUNCEMENTS	21,000.00	2,300.00	20,765.60	234.40	98.88%
JOB TARGET ADVERTISING	112,500.00	19,890.19	186,953.60	(74,453.60)	166.18%
TOTAL REVENUE:	461,350.00	75,335.69	561,142.37	(99,792.37)	121.63%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	2,000.00	-	(2,950.00)	4,950.00	-147.50%
POSTAGE	89,000.00	20,674.45	90,564.92	(1,564.92)	101.76%
PRINTING, COPYING & MAILING	250,000.00	26,307.47	255,097.76	(5,097.76)	102.04%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	800.00	7,050.00	3,150.00	69.12%
GRAPHICS/ARTWORK	3,500.00	-	-	3,500.00	0.00%
OUTSIDE SALES EXPENSE	-	16,094.10	98,480.90	(98,480.90)	
EDITORIAL ADVISORY COMMITTEE	800.00	39.68	525.52	274.48	65.69%
STAFF MEMBERSHIP DUES	135.00	-	-	135.00	0.00%
SUPPLIES	-	-	17.79	(17.79)	
TOTAL DIRECT EXPENSES:	355,635.00	63,915.70	448,786.89	(93,151.89)	126.19%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	177,211.00	13,667.74	177,838.23	(627.23)	100.35%
BENEFITS EXPENSE	70,006.00	5,555.88	58,334.04	11,671.96	83.33%
OTHER INDIRECT EXPENSE	55,601.00	4,990.76	59,362.86	(3,761.86)	106.77%
TOTAL INDIRECT EXPENSES:	302,818.00	24,214.38	295,535.13	7,282.87	97.59%
TOTAL ALL EXPENSES:	658,453.00	88,130.08	744,322.02	(85,869.02)	113.04%
NET INCOME (LOSS):	(197,103.00)	(12,794.39)	(183,179.65)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	1.26	342.27	(342.27)	
TOTAL REVENUE:	-	1.26	342.27	(342.27)	
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	-	725.00	775.00	48.33%
COURT RULES COMMITTEE	2,000.00	541.46	2,345.29	(345.29)	117.26%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	-	-	500.00	0.00%
CUSTODIANSHIPS	2,500.00	51.66	84.66	2,415.34	3.39%
LITIGATION EXPENSES	-	-	313.29	(313.29)	
TOTAL DIRECT EXPENSES:	13,076.00	593.12	3,468.24	9,607.76	26.52%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.75 FTE)	588,978.00	33,645.45	465,336.13	123,641.87	79.01%
BENEFITS EXPENSE	197,610.00	14,821.28	177,703.03	19,906.97	89.93%
OTHER INDIRECT EXPENSE	142,092.00	12,757.57	151,746.04	(9,654.04)	106.79%
TOTAL INDIRECT EXPENSES:	928,680.00	61,224.30	794,785.20	133,894.80	85.58%
TOTAL ALL EXPENSES:	941,756.00	61,817.42	798,253.44	143,502.56	84.76%
NET INCOME (LOSS):	(941,756.00)	(61,816.16)	(797,911.17)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% 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	-	150.00	350.00	30.00%
DISCIPLINARY BOARD EXPENSES	10,000.00	130.15	3,911.63	6,088.37	39.12%
CHIEF HEARING OFFICER	33,000.00	5,000.00	30,000.00	3,000.00	90.91%
HEARING OFFICER EXPENSES	3,000.00	3,733.59	3,868.02	(868.02)	128.93%
HEARING OFFICER TRAINING	2,000.00	-	-	2,000.00	0.00%
OUTSIDE COUNSEL	55,000.00	7,000.00	40,000.00	15,000.00	72.73%
DISCIPLINARY SELECTION PANEL	-	-	624.53	(624.53)	
TOTAL DIRECT EXPENSES:	103,500.00	15,863.74	78,554.18	24,945.82	75.90%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.45 FTE)	110,578.00	6,934.23	94,341.42	16,236.58	85.32%
BENEFITS EXPENSE	40,663.00	3,183.12	38,283.79	2,379.21	94.15%
OTHER INDIRECT EXPENSE	35,832.00	3,212.80	38,214.84	(2,382.84)	106.65%
TOTAL INDIRECT EXPENSES:	187,073.00	13,330.15	170,840.05	16,232.95	91.32%
TOTAL ALL EXPENSES:	290,573.00	29,193.89	249,394.23	41,178.77	85.83%
NET INCOME (LOSS):	(290,573.00)	(29,193.89)	(249,394.23)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	-	39.92	1,360.08	2.85%
STAFF MEMBERSHIP DUES	1,152.00	-	-	1,152.00	0.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	1,911.78	4,882.62	(382.62)	108.50%
ANNUAL CHAIR MEETINGS	600.00	-	496.74	103.26	82.79%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	9.54	2,329.86	2,170.14	51.77%
BOG ELECTIONS	6,500.00	-	4,900.00	1,600.00	75.38%
BAR OUTREACH	10,000.00	711.26	11,860.26	(1,860.26)	118.60%
PROFESSIONALISM	2,000.00	-	-	2,000.00	0.00%
TOTAL DIRECT EXPENSES:	30,852.00	2,632.58	24,509.40	6,342.60	79.44%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.73 FTE)	224,397.00	16,909.95	224,383.29	13.71	99.99%
BENEFITS EXPENSE	79,186.00	6,361.93	76,774.50	2,411.50	96.95%
OTHER INDIRECT EXPENSE	67,463.00	6,051.25	71,977.36	(4,514.36)	106.69%
TOTAL INDIRECT EXPENSES:	371,046.00	29,323.13	373,135.15	(2,089.15)	100.56%
TOTAL ALL EXPENSES:	401,898.00	31,955.71	397,644.55	4,253.45	98.94%
NET INCOME (LOSS):	(401,898.00)	(31,955.71)	(397,644.55)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL REVENUE:	<hr/> <u>-</u> <hr/>	<hr/> <u>-</u> <hr/>	<hr/> <u>-</u> <hr/>	<hr/> <u>-</u> <hr/>	<hr/> <u>-</u> <hr/>
DIRECT EXPENSES:	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
PRACTICE OF LAW BOARD	16,000.00	1,084.75	15,271.57	728.43	95.45%
TOTAL DIRECT EXPENSES:	<hr/> <u>16,000.00</u> <hr/>	<hr/> <u>1,084.75</u> <hr/>	<hr/> <u>15,271.57</u> <hr/>	<hr/> <u>728.43</u> <hr/>	<hr/> <u>95.45%</u> <hr/>
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	50,676.00	1,411.07	21,143.78	29,532.22	41.72%
BENEFITS EXPENSE	13,502.00	1,072.18	12,868.25	633.75	95.31%
OTHER INDIRECT EXPENSE	9,885.00	873.37	10,388.55	(503.55)	105.09%
TOTAL INDIRECT EXPENSES:	<hr/> <u>74,063.00</u> <hr/>	<hr/> <u>3,356.62</u> <hr/>	<hr/> <u>44,400.58</u> <hr/>	<hr/> <u>29,662.42</u> <hr/>	<hr/> <u>59.95%</u> <hr/>
TOTAL ALL EXPENSES:	<hr/> <u>90,063.00</u> <hr/>	<hr/> <u>4,441.37</u> <hr/>	<hr/> <u>59,672.15</u> <hr/>	<hr/> <u>30,390.85</u> <hr/>	<hr/> <u>66.26%</u> <hr/>
NET INCOME (LOSS):	<hr/> <u>(90,063.00)</u> <hr/>	<hr/> <u>(4,441.37)</u> <hr/>	<hr/> <u>(59,672.15)</u> <hr/>		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% 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	484.19	3,027.79	(1,027.79)	151.39%
STAFF MEMBERSHIP DUES	500.00	-	250.00	250.00	50.00%
CPE COMMITTEE	4,200.00	514.46	5,278.54	(1,078.54)	125.68%
TOTAL DIRECT EXPENSES:	6,700.00	998.65	8,556.33	(1,856.33)	127.71%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.65 FTE)	160,192.00	12,196.23	160,861.63	(669.63)	100.42%
BENEFITS EXPENSE	57,904.00	4,582.88	55,305.50	2,598.50	95.51%
OTHER INDIRECT EXPENSE	40,774.00	3,649.48	43,408.92	(2,634.92)	106.46%
TOTAL INDIRECT EXPENSES:	258,870.00	20,428.59	259,576.05	(706.05)	100.27%
TOTAL ALL EXPENSES:	265,570.00	21,427.24	268,132.38	(2,562.38)	100.96%
NET INCOME (LOSS):	(265,570.00)	(21,427.24)	(268,132.38)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	29.00	2,004.00	(4.00)	100.20%
TOTAL REVENUE:	112,000.00	29.00	139,504.00	(27,504.00)	124.56%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	56,642.50	216,939.75	(9,024.75)	104.34%
STAFF TRAVEL/PARKING	2,000.00	54.74	1,044.67	955.33	52.23%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	454.36	1,725.50	274.50	86.28%
PUBLIC SERVICE EVENTS AND PROJECTS	20,500.00	5,308.46	18,956.21	1,543.79	92.47%
TOTAL DIRECT EXPENSES:	232,415.00	62,460.06	238,666.13	(6,251.13)	102.69%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.03 FTE)	87,057.00	6,130.87	70,905.14	16,151.86	81.45%
BENEFITS EXPENSE	29,994.00	2,372.52	28,646.43	1,347.57	95.51%
OTHER INDIRECT EXPENSE	25,453.00	2,277.04	27,084.40	(1,631.40)	106.41%
TOTAL INDIRECT EXPENSES:	142,504.00	10,780.43	126,635.97	15,868.03	88.86%
TOTAL ALL EXPENSES:	374,919.00	73,240.49	365,302.10	9,616.90	97.43%
NET INCOME (LOSS):	(262,919.00)	(73,211.49)	(225,798.10)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	5,946.84	84,784.25	(4,710.25)	105.88%
BENEFITS EXPENSE	31,380.00	2,487.29	29,702.04	1,677.96	94.65%
OTHER INDIRECT EXPENSE	30,148.00	2,713.72	32,278.39	(2,130.39)	107.07%
TOTAL INDIRECT EXPENSES:	141,602.00	11,147.85	146,764.68	(5,162.68)	103.65%
TOTAL ALL EXPENSES:	146,865.00	11,147.85	151,044.66	(4,179.66)	102.85%
NET INCOME (LOSS):	(146,865.00)	(11,147.85)	(151,044.66)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% 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	1,143.75	294,637.50	5,362.50	98.21%
TOTAL REVENUE:	300,000.00	1,143.75	294,637.50	5,362.50	98.21%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	30.00	2,118.57	(918.57)	176.55%
SUBSCRIPTIONS	372.00	-	372.00	-	100.00%
CONFERENCE CALLS	300.00	23.24	290.41	9.59	96.80%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	590.39	409.61	59.04%
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	53.24	8,956.55	340.45	96.34%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.25 FTE)	297,955.00	22,417.06	298,133.15	(178.15)	100.06%
BENEFITS EXPENSE	112,039.00	8,912.95	107,156.26	4,882.74	95.64%
OTHER INDIRECT EXPENSE	105,024.00	9,420.02	112,047.17	(7,023.17)	106.69%
TOTAL INDIRECT EXPENSES:	515,018.00	40,750.03	517,336.58	(2,318.58)	100.45%
TOTAL ALL EXPENSES:	524,315.00	40,803.27	526,293.13	(1,978.13)	100.38%
NET INCOME (LOSS):	(224,315.00)	(39,659.52)	(231,655.63)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% 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	11,297.07	76,614.60	8,385.40	90.13%
STAFF TRAVEL/PARKING	2,500.00	81.64	425.03	2,074.97	17.00%
STAFF MEMBERSHIP DUES	110.00	-	-	110.00	0.00%
TELEPHONE	24,000.00	2,501.51	21,198.31	2,801.69	88.33%
COMPUTER HARDWARE	29,000.00	12,697.88	27,192.98	1,807.02	93.77%
COMPUTER SOFTWARE	29,000.00	(3,297.50)	14,867.13	14,132.87	51.27%
HARDWARE SERVICE & WARRANTIES	60,000.00	-	42,149.45	17,850.55	70.25%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	2,870.09	215,665.68	54,334.32	79.88%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	3,859.56	4,193.99	5,806.01	41.94%
COMPUTER SUPPLIES	15,000.00	1,130.45	8,241.75	6,758.25	54.95%
THIRD PARTY SERVICES	143,000.00	(7,898.50)	108,560.72	34,439.28	75.92%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(23,242.20)	(519,109.64)	(148,500.36)	77.76%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,059,680.00	83,029.87	1,093,486.90	(33,806.90)	103.19%
BENEFITS EXPENSE	370,332.00	29,339.64	349,725.20	20,606.80	94.44%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(8,363.16)	(120,408.06)	(68,391.94)	63.78%
OTHER INDIRECT EXPENSE	299,010.00	26,825.23	319,074.91	(20,064.91)	106.71%
TOTAL INDIRECT EXPENSES:	1,540,222.00	130,831.58	1,641,878.95	(101,656.95)	106.60%
TOTAL ALL EXPENSES:	1,540,222.00	130,831.58	1,641,878.95	(101,656.95)	106.60%
NET INCOME (LOSS):	(1,540,222.00)	(130,831.58)	(1,641,878.95)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	97,338.50	850,383.40	25,616.60	97.08%
SEMINAR-EXHIB/SPNSR/ETC	41,500.00	17,300.00	28,300.00	13,200.00	68.19%
SHIPPING & HANDLING	1,000.00	45.00	538.14	461.86	53.81%
COURSEBOOK SALES	11,000.00	864.00	10,819.00	181.00	98.35%
MP3 AND VIDEO SALES	950,000.00	37,503.52	910,436.02	39,563.98	95.84%
TOTAL REVENUE:	1,879,500.00	153,051.02	1,800,476.56	79,023.44	95.80%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	3,000.00	162.26	1,356.89	1,643.11	45.23%
POSTAGE - FLIERS/CATALOGS	10,685.00	635.31	11,591.63	(906.63)	108.49%
POSTAGE - MISC./DELIVERY	2,500.00	70.00	651.50	1,848.50	26.06%
DEPRECIATION	5,540.00	485.00	6,846.12	(1,306.12)	123.58%
ONLINE EXPENSES	40,000.00	5,292.66	46,005.37	(6,005.37)	115.01%
ACCREDITATION FEES	4,696.00	(110.00)	1,812.00	2,884.00	38.59%
SEMINAR BROCHURES	20,770.00	179.25	19,993.15	776.85	96.26%
FACILITIES	223,500.00	29,197.66	213,688.78	9,811.22	95.61%
SPEAKERS & PROGRAM DEVELOP	68,100.00	2,842.47	47,518.83	20,581.17	69.78%
SPLITS TO SECTIONS	-	72,500.00	76,284.24	(76,284.24)	
CLE SEMINAR COMMITTEE	500.00	-	143.82	356.18	28.76%
BAD DEBT EXPENSE	600.00	-	(474.00)	1,074.00	-79.00%
STAFF TRAVEL/PARKING	5,675.00	4,709.31	15,899.11	(10,224.11)	280.16%
STAFF MEMBERSHIP DUES	1,260.00	-	1,007.00	253.00	79.92%
SUPPLIES	3,650.00	-	1,039.97	2,610.03	28.49%
TELEPHONE	-	6.05	19.93	(19.93)	
COST OF SALES - COURSEBOOKS	1,200.00	77.92	1,478.86	(278.86)	123.24%
A/V DEVELOP COSTS (RECORDING)	1,500.00	1,500.00	1,966.82	(466.82)	131.12%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	36.11	448.14	51.86	89.63%
TOTAL DIRECT EXPENSES:	393,776.00	117,584.00	447,278.16	(53,502.16)	113.59%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.72 FTE)	656,422.00	46,929.36	649,474.88	6,947.12	98.94%
BENEFITS EXPENSE	254,178.00	19,354.00	235,292.03	18,885.97	92.57%
OTHER INDIRECT EXPENSE	240,197.00	21,553.72	256,372.91	(16,175.91)	106.73%
TOTAL INDIRECT EXPENSES:	1,150,797.00	87,837.08	1,141,139.82	9,657.18	99.16%
TOTAL ALL EXPENSES:	1,544,573.00	205,421.08	1,588,417.98	(43,844.98)	102.84%
NET INCOME (LOSS):	334,927.00	(52,370.06)	212,058.58		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	2,000.00	135.00	4,177.86	(2,177.86)	208.89%
DESKBOOK SALES	80,000.00	2,544.00	110,780.18	(30,780.18)	138.48%
SECTION PUBLICATION SALES	3,000.00	225.00	3,765.00	(765.00)	125.50%
CASEMAKER ROYALTIES	75,000.00	2,085.42	39,120.84	35,879.16	52.16%
TOTAL REVENUE:	160,000.00	4,989.42	157,843.88	2,156.12	98.65%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	50,000.00	4,113.58	104,803.87	(54,803.87)	209.61%
COST OF SALES - SECTION PUBLICATION	750.00	42.66	635.24	114.76	84.70%
SPLITS TO SECTIONS	1,000.00	164.19	1,242.96	(242.96)	124.30%
DESKBOOK ROYALTIES	1,000.00	-	1,131.87	(131.87)	113.19%
SHIPPING SUPPLIES	150.00	-	-	150.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	2,000.00	180.76	5,728.28	(3,728.28)	286.41%
FLIERS/CATALOGS	3,000.00	-	1,932.18	1,067.82	64.41%
POSTAGE - FLIERS/CATALOGS	1,500.00	-	746.95	753.05	49.80%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	3,024.84	(1,024.84)	151.24%
OBSOLETE INVENTORY	-	92,401.61	100,377.40	(100,377.40)	
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	675.00	8,045.00	(605.00)	108.13%
STAFF MEMBERSHIP DUES	250.00	-	198.00	52.00	79.20%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	69,390.00	97,577.80	227,866.59	(158,476.59)	328.39%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.05 FTE)	117,663.00	9,045.19	118,893.58	(1,230.58)	101.05%
BENEFITS EXPENSE	48,981.00	3,895.22	46,813.81	2,167.19	95.58%
OTHER INDIRECT EXPENSE	50,659.00	4,554.08	54,168.56	(3,509.56)	106.93%
TOTAL INDIRECT EXPENSES:	217,303.00	17,494.49	219,875.95	(2,572.95)	101.18%
TOTAL ALL EXPENSES:	286,693.00	115,072.29	447,742.54	(161,049.54)	156.17%
NET INCOME (LOSS):	(126,693.00)	(110,082.87)	(289,898.66)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
DONATIONS	-	-	200.00	(200.00)	
CPF RESTITUTION	3,000.00	635.41	8,346.56	(5,346.56)	278.22%
CPF MEMBER ASSESSMENTS	982,000.00	6,150.00	1,030,782.50	(48,782.50)	104.97%
INTEREST INCOME	7,500.00	7,160.70	79,980.88	(72,480.88)	1066.41%
TOTAL REVENUE:	992,500.00	13,946.11	1,119,309.94	(126,809.94)	112.78%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	154.69	2,410.02	(1,410.02)	241.00%
GIFTS TO INJURED CLIENTS	500,000.00	225,419.00	379,818.00	120,182.00	75.96%
CPF BOARD EXPENSES	3,000.00	170.16	1,154.42	1,845.58	38.48%
TOTAL DIRECT EXPENSES:	504,000.00	225,743.85	383,382.44	120,617.56	76.07%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	97,740.00	6,421.91	81,269.13	16,470.87	83.15%
BENEFITS EXPENSE	35,581.00	2,782.32	33,482.62	2,098.38	94.10%
OTHER INDIRECT EXPENSE	30,889.00	2,776.11	33,020.64	(2,131.64)	106.90%
TOTAL INDIRECT EXPENSES:	164,210.00	11,980.34	147,772.39	16,437.61	89.99%
TOTAL ALL EXPENSES:	668,210.00	237,724.19	531,154.83	137,055.17	79.49%
NET INCOME (LOSS):	324,290.00	(223,778.08)	588,155.11		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% 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	-	34,632.50	(1,632.50)	104.95%
OTHER ACTIVITIES REGISTRATION REVENUE	20,000.00	-	22,525.00	(2,525.00)	112.63%
WESTERN STATES BAR MEMBERSHIP DUES	3,200.00	-	3,000.00	200.00	93.75%
SPONSORSHIPS	12,000.00	-	7,700.00	4,300.00	64.17%
TOTAL REVENUE:	68,200.00	-	67,857.50	342.50	99.50%
DIRECT EXPENSES:					
FACILITIES	55,000.00	-	47,383.58	7,616.42	86.15%
SPEAKERS & PROGRAM DEVELOPMENT	1,000.00	-	501.23	498.77	50.12%
BANK FEES	-	-	1.00	(1.00)	
WSBC PRESIDENT TRAVEL	500.00	-	-	500.00	0.00%
OPTIONAL ACTIVITIES EXPENSE	3,500.00	-	6,952.30	(3,452.30)	198.64%
MARKETING EXPENSE	800.00	-	601.05	198.95	75.13%
STAFF TRAVEL/PARKING	2,000.00	-	2,177.35	(177.35)	108.87%
TOTAL DIRECT EXPENSES:	62,800.00	-	57,616.51	5,183.49	91.75%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	62,800.00	-	57,616.51	5,183.49	91.75%
NET INCOME (LOSS):	5,400.00	-	10,240.99		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	472,490.00	1,770.00	447,289.37	25,200.63	94.67%
SEMINAR PROFIT SHARE	15,000.00	1,500.00	28,977.55	(13,977.55)	193.18%
INTEREST INCOME	1,900.00	26,692.77	26,692.77	(24,792.77)	1404.88%
PUBLICATIONS REVENUE	4,000.00	164.19	3,832.02	167.98	95.80%
OTHER	50,750.00	4,700.00	41,590.22	9,159.78	81.95%
TOTAL REVENUE:	<u>544,140.00</u>	<u>34,826.96</u>	<u>548,381.93</u>	<u>(4,241.93)</u>	<u>100.78%</u>
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	531,505.00	39,199.91	292,863.28	238,641.72	55.10%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	309,019.50	1,143.75	294,637.50	14,382.00	95.35%
TOTAL DIRECT EXPENSES:	<u>840,524.50</u>	<u>40,343.66</u>	<u>587,500.78</u>	<u>253,023.72</u>	<u>69.90%</u>
NET INCOME (LOSS):	<u>(296,384.50)</u>	<u>(5,516.70)</u>	<u>(39,118.85)</u>		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2019 to September 30, 2019

100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,868,980.00	849,963.21	11,564,502.04	304,477.96	97.43%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
TEMPORARY SALARIES	141,330.00	13,414.50	187,714.92	(46,384.92)	132.82%
CAPITAL LABOR & OVERHEAD	(188,800.00)	(8,363.16)	(120,408.06)	(68,391.94)	63.78%
EMPLOYEE ASSISTANCE PLAN	4,800.00	3,880.00	8,680.00	(3,880.00)	180.83%
EMPLOYEE SERVICE AWARDS	2,230.00	-	2,129.12	100.88	95.48%
FICA (EMPLOYER PORTION)	879,000.00	70,379.15	849,504.62	29,495.38	96.64%
L&I INSURANCE	47,250.00	9,956.74	40,405.18	6,844.82	85.51%
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER PORTION)	-	1,374.98	12,720.22	(12,720.22)	
MEDICAL (EMPLOYER PORTION)	1,590,000.00	121,875.46	1,465,008.89	124,991.11	92.14%
RETIREMENT (EMPLOYER PORTION)	1,494,000.00	118,749.43	1,439,569.78	54,430.22	96.36%
TRANSPORTATION ALLOWANCE	119,250.00	415.00	108,983.20	10,266.80	91.39%
UNEMPLOYMENT INSURANCE	87,500.00	3,428.82	69,014.44	18,485.56	78.87%
STAFF DEVELOPMENT-GENERAL	6,900.00	2,178.63	4,686.64	2,213.36	67.92%
TOTAL SALARY & BENEFITS EXPENSE:	15,852,440.00	1,187,252.76	15,632,510.99	219,929.01	98.61%
WORKPLACE BENEFITS	39,000.00	3,177.09	44,073.97	(5,073.97)	113.01%
HUMAN RESOURCES POOLED EXP	102,400.00	4,315.01	103,843.45	(1,443.45)	101.41%
MEETING SUPPORT EXPENSES	12,500.00	1,676.02	13,916.07	(1,416.07)	111.33%
RENT	1,802,000.00	144,047.70	1,878,238.88	(76,238.88)	104.23%
PERSONAL PROP TAXES-WSBA	14,000.00	900.84	12,949.35	1,050.65	92.50%
FURNITURE, MAINT, LH IMP	35,200.00	6,120.68	26,353.30	8,846.70	74.87%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	977.77	47,501.69	(1,501.69)	103.26%
FURN & OFFICE EQUIP DEPRECIATION	51,300.00	4,283.00	50,628.78	671.22	98.69%
COMPUTER HARDWARE DEPRECIATION	51,800.00	3,960.90	46,686.90	5,113.10	90.13%
COMPUTER SOFTWARE DEPRECIATION	162,700.00	10,552.00	119,141.00	43,559.00	73.23%
INSURANCE	143,000.00	17,639.19	154,440.18	(11,440.18)	108.00%
PROFESSIONAL FEES-AUDIT	35,000.00	-	31,669.20	3,330.80	90.48%
PROFESSIONAL FEES-LEGAL	50,000.00	70,455.85	446,760.87	(396,760.87)	893.52%
TELEPHONE & INTERNET	47,000.00	6,652.14	42,760.00	4,240.00	90.98%
POSTAGE - GENERAL	36,000.00	2,295.73	24,841.35	11,158.65	69.00%
RECORDS STORAGE	40,000.00	3,672.88	44,478.99	(4,478.99)	111.20%
STAFF TRAINING	95,245.00	4,322.10	59,306.09	35,938.91	62.27%
BANK FEES	35,400.00	1,325.03	30,660.04	4,739.96	86.61%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	126.72	8,126.97	3,873.03	67.72%
COMPUTER POOLED EXPENSES	667,610.00	23,242.20	519,109.64	148,500.36	77.76%
TOTAL OTHER INDIRECT EXPENSES:	3,478,155.00	309,742.85	3,705,486.72	(227,331.72)	106.54%
TOTAL INDIRECT EXPENSES:	19,330,595.00	1,496,995.61	19,337,997.71		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2019 to September 30, 2019
100.00% OF YEAR COMPLETE

	FISCAL 2019 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,958,200.00	1,337,509.15	16,217,282.99	(259,082.99)
ACCESS TO JUSTICE	(327,324.00)	(16,579.67)	(308,568.29)	(18,755.71)
ADMINISTRATION	(1,043,654.00)	(85,770.41)	(792,078.67)	(251,575.33)
ADMISSIONS/BAR EXAM	69,421.00	(77,773.03)	98,066.86	(28,645.86)
BOARD OF GOVERNORS	(834,709.00)	(57,558.33)	(861,652.00)	26,943.00
COMMUNICATIONS	(604,832.00)	(57,167.04)	(621,492.45)	16,660.45
CONFERENCE & BROADCAST SERVICES	(783,893.00)	(66,216.19)	(810,316.18)	26,423.18
DISCIPLINE	(5,788,075.00)	(429,781.62)	(5,641,390.16)	(146,684.84)
DIVERSITY	(445,817.00)	(44,049.08)	(420,571.95)	(25,245.05)
FOUNDATION	(164,863.00)	(11,805.50)	(155,522.98)	(9,340.02)
HUMAN RESOURCES	(204,958.00)	(28,784.21)	(391,398.12)	186,440.12
LAP	(132,499.00)	(8,904.09)	(129,076.20)	(3,422.80)
LEGISLATIVE	(154,066.00)	(10,896.74)	(151,199.72)	(2,866.28)
LICENSING AND MEMBERSHIP	(377,789.00)	(22,179.96)	(266,543.55)	(111,245.45)
LIMITED LICENSE LEGAL TECHNICIAN	(241,191.00)	(18,440.46)	(213,142.01)	(28,048.99)
LIMITED PRACTICE OFFICERS	(171,653.00)	(12,983.89)	(161,672.44)	(9,980.56)
MANDATORY CLE ADMINISTRATION	176,571.00	(12,217.26)	310,835.84	(134,264.84)
MEMBER BENEFITS	(260,707.00)	(7,348.48)	(229,951.44)	(30,755.56)
MEMBER SERVICES & ENGAGEMENT	(420,479.00)	(40,099.30)	(349,288.64)	(71,190.36)
NW LAWYER	(197,103.00)	(12,794.39)	(183,179.65)	(13,923.35)
OFFICE OF GENERAL COUNSEL	(941,756.00)	(61,816.16)	(797,911.17)	(143,844.83)
OGC-DISCIPLINARY BOARD	(290,573.00)	(29,193.89)	(249,394.23)	(41,178.77)
OUTREACH & ENGAGEMENT	(401,898.00)	(31,955.71)	(397,644.55)	(4,253.45)
PRACTICE OF LAW BOARD	(90,063.00)	(4,441.37)	(59,672.15)	(30,390.85)
PROFESSIONAL RESPONSIBILITY PROGRAM	(265,570.00)	(21,427.24)	(268,132.38)	2,562.38
PUBLICATION & DESIGN SERVICES	(146,865.00)	(11,147.85)	(151,044.66)	4,179.66
PUBLIC SERVICE PROGRAMS	(262,919.00)	(73,211.49)	(225,798.10)	(37,120.90)
LAW CLERK PROGRAM	11,985.00	(12,002.48)	24,669.26	(12,684.26)
SECTIONS ADMINISTRATION	(224,315.00)	(39,659.52)	(231,655.63)	7,340.63
TECHNOLOGY	(1,540,222.00)	(130,831.58)	(1,641,878.95)	101,656.95
CLE - PRODUCTS	733,919.00	15,565.39	675,121.12	58,797.88
CLE - SEMINARS	(398,992.00)	(67,935.45)	(463,062.54)	64,070.54
SECTIONS OPERATIONS	(296,384.50)	(5,516.70)	(39,118.85)	(257,265.65)
DESKBOOKS	(126,693.00)	(110,082.87)	(289,898.66)	163,205.66
CLIENT PROTECTION FUND	324,290.00	(223,778.08)	588,155.11	(263,865.11)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	5,400.00	-	10,240.99	(4,840.99)
INDIRECT EXPENSES	(19,330,595.00)	(1,496,995.61)	(19,337,997.71)	7,402.71
TOTAL OF ALL	19,190,671.50	1,988,271.11	17,915,881.86	1,274,789.64
NET INCOME (LOSS)	139,923.50	(491,275.50)	1,422,115.85	

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 1,049,780

Total

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.10%	\$ 2,197,243
UBS Financial Money Market	2.10%	\$ 835,346
Morgan Stanley Money Market	2.09%	\$ 3,326,791
Merrill Lynch Money Market	2.20%	\$ 1,959,529
Short Term Investments	Varies	\$ 990,000

General Fund Total \$ **10,358,689**

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 348,164

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.10%	\$ 3,961,422
Morgan Stanley Money Market	2.09%	\$ 106,204
Wells Fargo Investments	Varies	\$ -

Client Protection Fund Total \$ **4,415,790**

Grand Total Cash & Investments \$ **14,774,479**

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>
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 990,000.00

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
B A R A S S O C I A T I O N

Financial Reports

(Unaudited)

Year to Date October 31, 2019

Prepared by Maggie Yu, Controller
Submitted by
Jorge Perez, Chief Financial Officer
January 06, 2020

**Washington State Bar Association Financial Summary
Compared to Fiscal Year 2020 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	-	2,100	19,908	261,101	2,043	47,320	21,951	308,421	(21,951)	(306,321)
Administration	13,469	100,000	93,988	1,200,318	(471)	5,429	93,517	1,205,747	(80,048)	(1,105,747)
Admissions/Bar Exam	248,255	1,407,000	82,211	948,929	3,043	429,301	85,254	1,378,230	163,001	28,770
Board of Governors	-	0	12,613	125,162	13,667	439,900	26,280	565,062	(26,280)	(565,062)
Communications Strategies	393	40,000	45,675	556,115	3,789	111,040	49,464	667,155	(49,072)	(627,155)
Conference & Broadcast Services	-	0	71,536	819,763	972	5,500	72,508	825,263	(72,508)	(825,263)
Discipline	12,206	110,500	492,513	5,950,238	9,422	177,449	501,935	6,127,687	(489,729)	(6,017,187)
Diversity	-	135,374	41,740	567,558	1,706	28,930	43,446	596,488	(43,446)	(461,114)
Foundation	-	0	12,049	151,832	81	13,400	12,130	165,232	(12,130)	(165,232)
Human Resources	-	0	32,841	229,115	-	0	32,841	229,115	(32,841)	(229,115)
Law Clerk Program	432	174,700	14,209	162,479	3,127	13,950	17,335	176,429	(16,903)	(1,729)
Legislative	-	0	12,628	145,204	291	15,200	12,918	160,404	(12,918)	(160,404)
Licensing and Membership Records	43,868	325,000	53,919	637,839	9,253	35,788	63,172	673,627	(19,304)	(348,627)
Licensing Fees	1,328,781	16,200,000	-	0	-	0	-	-	1,328,781	16,200,000
Limited License Legal Technician	3,978	27,605	15,728	179,579	1,626	42,051	17,353	221,630	(13,375)	(194,025)
Limited Practice Officers	22,443	212,390	13,120	149,262	171	30,025	13,291	156,182	9,152	33,104
Mandatory CLE	76,125	1,042,800	73,834	681,850	20,972	254,617	94,806	936,467	(18,681)	106,334
Member Assistance Program	375	6,750	11,869	148,656	0	1,275	11,869	149,931	(11,494)	(143,181)
Member Benefits	2,058	138,300	10,078	568,011	10,837	42,345	20,915	610,356	(18,857)	(472,056)
Member Services & Engagement	10,276	21,000	56,057	92,512	1,102	186,496	57,158	279,008	(46,882)	(258,008)
NW Lawyer	59,102	461,350	31,109	359,579	49,406	357,915	80,516	717,494	(21,414)	(256,144)
Office of the Executive Director	-	0	30,486	360,062	381	13,379	0	0	(30,867)	(373,441)
Office of General Counsel	0	0	70,201.40	966,739.00	59.76	24,334.00	70,261.16	991,073	(70,261)	(991,073)
OGC-Disciplinary Board	-	0	16,548	189,508	6,817	104,316	23,365	293,824	(23,365)	(293,824)
Outreach and Engagement	-	0	33,650	391,929	550	31,625	34,200	423,554	(34,200)	(423,554)
Practice of Law Board	-	0	5,448	63,261	727	16,000	6,175	79,261	(6,175)	(79,261)
Professional Responsibility Program	-	0	22,406	261,517	892	9,654	23,298	271,171	(23,298)	(271,171)
Public Service Programs	-	128,100	17,775	203,853	534	250,777	18,308	454,630	(18,308)	(326,530)
Publication and Design Services	-	0	11,344	135,169	4,100	5,572	15,444	140,741	(15,444)	(140,741)
Sections Administration	1,031	300,000	42,019	540,012	6,306	9,297	48,324	549,309	(47,293)	(249,309)
Technology	-	0	148,131	1,674,849	-	0	148,131	1,674,849	(148,131)	(1,674,849)
Subtotal General Fund	1,822,792	20,832,969	1,595,632	18,722,001	151,401	2,702,883	1,747,033	21,424,884	75,759	(591,915)
Expenses using reserve funds							1,747,033			
Total General Fund - Net Result from Operations									75,759	(591,915)
Percentage of Budget	8.75%		8.52%		5.60%		8.15%			
CLE-Seminars and Products	94,628	1,824,000	93,635	1,156,926	25,341	502,190	118,977	1,659,116	(24,349)	164,884
CLE - Deskbooks	5,177	165,500	19,482	271,040	689	82,658	20,172	353,698	(14,995)	(188,198)
Total CLE	99,805	1,989,500	113,118	1,427,966	26,031	584,848	139,149	2,012,814	(39,344)	(23,314)
Percentage of Budget	5.02%		7.92%		4.45%		6.91%			
Total All Sections	1,985	606,544	-	-	26,814	860,784	26,814	860,784	(24,829)	(254,240)
Client Protection Fund-Restricted	20,728	1,023,000	12,624	144,686	378	504,000	13,002	648,686	7,726	374,314
Totals	1,945,310	24,452,013	1,721,373.45	20,294,653	204,623.93	4,652,514.00	1,925,997	24,947,167	19,313	(495,154)
Percentage of Budget	7.96%		8.48%		4.40%		7.72%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2019	2020 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	3,816,143	4,190,457	3,823,869
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	526,285	502,972	486,941
Section Funds	1,121,224	866,984	1,096,395
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	550,000	550,000	550,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	2,686,537	2,094,622	2,762,296
Total General Fund Balance	4,736,537	4,144,622	4,812,296.19
Net Change in general Fund Balance		(591,915)	75,759
Total Fund Balance	10,200,189	9,705,035	10,219,502
Net Change In Fund Balance		(495,154)	19,313

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
LICENSE FEES					
REVENUE:					
LICENSE FEES	1,377,000.00	1,328,780.58	(48,219.42)	1,303,083.62	25,696.96
LLLT LICENSE FEES				697.88	(697.88)
LPO LICENSE FEES				9,033.03	(9,033.03)
TOTAL REVENUE:	<u>1,377,000.00</u>	<u>1,328,780.58</u>	<u>(48,219.42)</u>	<u>1,312,814.53</u>	<u>15,966.05</u>

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
ACCESS TO JUSTICE					
REVENUE:					
WORK STUDY GRANTS	178.50	-	(178.50)	-	-
TOTAL REVENUE:	178.50	-	(178.50)	-	-
DIRECT EXPENSES:					
PRO BONO & LEGAL AID COMMITTEE	-	-	-	78.81	78.81
ATJ BOARD RETREAT	170.00	-	170.00	-	-
LEADERSHIP TRAINING	170.00	-	170.00	-	-
ATJ BOARD EXPENSE	2,040.00	1,040.73	999.27	2,191.63	1,150.90
STAFF TRAVEL/PARKING	229.50	-	229.50	44.52	44.52
STAFF MEMBERSHIP DUES	10.20	-	10.20	-	-
PUBLIC DEFENSE	595.00	1,002.03	(407.03)	315.51	(686.52)
RECEPTION/FORUM EXPENSE	807.50	-	807.50	1,139.54	1,139.54
TOTAL DIRECT EXPENSES:	4,022.20	2,042.76	1,979.44	3,770.01	1,727.25
INDIRECT EXPENSES:					
SALARY EXPENSE (1.92 FTE)	12,875.04	9,957.55	2,917.49	13,430.20	3,472.65
BENEFITS EXPENSE	4,623.58	4,314.61	308.97	4,490.59	175.98
OTHER INDIRECT EXPENSE	4,694.98	5,635.70	(940.72)	5,320.14	(315.56)
TOTAL INDIRECT EXPENSES:	22,193.59	19,907.86	2,285.73	23,240.93	3,333.07
TOTAL ALL EXPENSES:	26,215.79	21,950.62	4,265.17	27,010.94	5,060.32
NET INCOME (LOSS):	(26,037.29)	(21,950.62)	4,086.67	(27,010.94)	5,060.32

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	8,500.00	13,468.83	4,968.83	8,732.44	4,736.39
GAIN/LOSS ON INVESTMENTS	-	-	-	(16,114.36)	16,114.36
TOTAL REVENUE:	8,500.00	13,468.83	4,968.83	(7,381.92)	20,850.75
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	(518.77)	518.77	(404.66)	114.11
STAFF TRAVEL/PARKING	357.00	48.00	309.00	350.00	302.00
STAFF MEMBERSHIP DUES	80.75	-	80.75	294.17	294.17
LAW LIBRARY	23.72	-	23.72	-	-
TOTAL DIRECT EXPENSES:	461.47	(470.77)	932.24	239.51	710.28
INDIRECT EXPENSES:					
SALARY EXPENSE (7.98 FTE)	61,511.70	52,583.02	8,928.68	57,113.31	4,530.29
BENEFITS EXPENSE	21,001.80	17,908.88	3,092.92	18,373.58	464.70
OTHER INDIRECT EXPENSE	19,513.54	23,495.90	(3,982.37)	20,209.45	(3,286.45)
TOTAL INDIRECT EXPENSES:	102,027.03	93,987.80	8,039.23	95,696.34	1,708.54
TOTAL ALL EXPENSES:	102,488.50	93,517.03	8,971.47	95,935.85	2,418.82
NET INCOME (LOSS):	(93,988.50)	(80,048.20)	13,940.30	(103,317.77)	23,269.57

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	2,975.00	-	(2,975.00)	-	-
BAR EXAM FEES	110,500.00	241,525.00	131,025.00	211,460.00	30,065.00
RULE 9/LEGAL INTERN FEES	1,020.00	600.00	(420.00)	-	600.00
SPECIAL ADMISSIONS	5,100.00	6,130.00	1,030.00	2,445.00	3,685.00
LLLT EXAM FEES	-	-	-	1,810.00	(1,810.00)
LLLT WAIVER FEES	-	-	-	150.00	(150.00)
LPO EXAMINATION FEES	-	-	-	9,900.00	(9,900.00)
TOTAL REVENUE:	119,595.00	248,255.00	128,660.00	225,765.00	22,490.00
DIRECT EXPENSES:					
DEPRECIATION	2,286.50	-	2,286.50	-	-
POSTAGE	340.00	427.61	(87.61)	556.97	129.36
STAFF TRAVEL/PARKING	1,266.50	1,221.56	44.94	350.00	(871.56)
STAFF MEMBERSHIP DUES	55.25	200.00	(144.75)	-	(200.00)
SUPPLIES	212.50	-	212.50	-	-
FACILITY, PARKING, FOOD	7,145.10	-	7,145.10	-	-
EXAMINER FEES	2,975.00	-	2,975.00	-	-
UBE EXMINATIONS	11,475.00	-	11,475.00	-	-
BOARD OF BAR EXAMINERS	2,550.00	-	2,550.00	268.18	268.18
BAR EXAM PROCTORS	2,635.00	-	2,635.00	-	-
CHARACTER & FITNESS BOARD	1,700.00	673.97	1,026.03	1,971.29	1,297.32
DISABILITY ACCOMMODATIONS	1,700.00	-	1,700.00	-	-
CHARACTER & FITNESS INVESTIGATIONS	76.50	-	76.50	-	-
LAW SCHOOL VISITS	136.00	516.14	(380.14)	615.12	98.98
COURT REPORTERS	1,530.00	-	1,530.00	1,106.80	1,106.80
CONFERENCE CALLS	-	3.79	(3.79)	-	(3.79)
ONLINE LEGAL RESEARCH	312.38	-	312.38	-	-
LAW LIBRARY	94.86	-	94.86	-	-
TOTAL DIRECT EXPENSES:	36,490.59	3,043.07	33,447.52	4,868.36	1,825.29
INDIRECT EXPENSES:					
SALARY EXPENSE (6.80 FTE)	46,539.63	45,768.06	771.57	41,082.40	(4,685.66)
BENEFITS EXPENSE	17,491.30	16,427.51	1,063.79	14,371.11	(2,056.40)
OTHER INDIRECT EXPENSE	16,628.04	20,014.98	(3,386.94)	15,996.19	(4,018.79)
TOTAL INDIRECT EXPENSES:	80,658.97	82,210.55	(1,551.58)	71,449.70	(10,760.85)
TOTAL ALL EXPENSES:	117,149.55	85,253.62	31,895.93	76,318.06	(8,935.56)
NET INCOME (LOSS):	2,445.45	163,001.38	160,555.93	149,446.94	13,554.44

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
BOARD OF GOVERNORS					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	-	-	-	450.00	450.00
STAFF MEMBERSHIP DUES	34.00	-	34.00	-	-
TELEPHONE	-	-	-	75.66	75.66
WASHINGTON LEADERSHIP INSTITUTE	8,500.00	-	8,500.00	60,000.00	60,000.00
BOG MEETINGS	17,892.50	12,810.63	5,081.87	57.77	(12,752.86)
BOG COMMITTEES' EXPENSES	2,550.00	856.29	1,693.71	1,532.42	676.13
BOG RETREAT	1,275.00	-	1,275.00	-	-
BOG CONFERENCE ATTENDANCE	3,740.00	-	3,740.00	1,105.90	1,105.90
BOG TRAVEL & OUTREACH	2,975.00	-	2,975.00	1,716.50	1,716.50
ED TRAVEL & OUTREACH	-	-	-	650.33	650.33
CONSULTING SERVICES	425.00	-	425.00	-	-
TOTAL DIRECT EXPENSES:	37,391.50	13,666.92	23,724.58	65,588.58	51,921.66
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	5,929.26	7,260.04	(1,330.78)	33,195.34	25,935.30
BENEFITS EXPENSE	2,264.23	2,411.04	(146.81)	8,155.59	5,744.55
OTHER INDIRECT EXPENSE	2,445.28	2,942.18	(496.90)	6,212.78	3,270.60
TOTAL INDIRECT EXPENSES:	10,638.77	12,613.26	(1,974.49)	47,563.71	34,950.45
TOTAL ALL EXPENSES:	48,030.27	26,280.18	21,750.09	113,152.29	86,872.11
NET INCOME (LOSS):	(48,030.27)	(26,280.18)	21,750.09	(113,152.29)	86,872.11

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
COMMUNICATION STRATEGIES					
REVENUE:					
APEX LUNCH/DINNER	3,400.00	-	(3,400.00)	-	-
50 YEAR MEMBER TRIBUTE LUNCH	-	50.00	50.00	300.00	(250.00)
WSBA LOGO MERCHANDISE SALES	-	342.59	342.59	420.00	(77.41)
TOTAL REVENUE:	3,400.00	392.59	(3,007.41)	720.00	(327.41)
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	399.50	423.53	(24.03)	350.00	(73.53)
STAFF MEMBERSHIP DUES	128.78	-	128.78	295.00	295.00
SUBSCRIPTIONS	854.25	47.56	806.69	64.77	17.21
DIGITAL/ONLINE DEVELOPMENT	123.25	-	123.25	10.00	10.00
APEX DINNER	5,950.00	-	5,950.00	-	-
50 YEAR MEMBER TRIBUTE LUNCH	680.00	2,882.79	(2,202.79)	7,542.56	4,659.77
COMMUNICATIONS OUTREACH	1,275.00	407.78	867.22	322.21	(85.57)
TELEPHONE	27.63	27.61	0.02	-	(27.61)
TOTAL DIRECT EXPENSES:	9,438.40	3,789.27	5,649.13	8,584.54	4,795.27
INDIRECT EXPENSES:					
SALARY EXPENSE (4.44 FTE)	26,358.67	23,523.25	2,835.42	26,326.26	2,803.01
BENEFITS EXPENSE	10,053.97	9,098.65	955.32	9,464.44	365.79
OTHER INDIRECT EXPENSE	10,857.14	13,053.25	(2,196.12)	11,711.49	(1,341.76)
TOTAL INDIRECT EXPENSES:	47,269.78	45,675.15	1,594.63	47,502.19	1,827.04
TOTAL ALL EXPENSES:	56,708.18	49,464.42	7,243.76	56,086.73	6,622.31
NET INCOME (LOSS):	(53,308.18)	(49,071.83)	4,236.35	(55,366.73)	6,294.90

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
CONFERENCE & BROADCAST SERVICES					
REVENUE:					
	_____	_____	_____	_____	_____
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
DIRECT EXPENSES:					
	_____	_____	_____	_____	_____
TRANSLATION SERVICES	467.50	971.70	(504.20)	556.95	(414.75)
TOTAL DIRECT EXPENSES:	<u>467.50</u>	<u>971.70</u>	<u>(504.20)</u>	<u>556.95</u>	<u>(414.75)</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.11 FTE)	37,354.87	36,336.35	1,018.52	33,432.51	(2,903.84)
BENEFITS EXPENSE	14,938.92	14,272.83	666.09	13,277.31	(995.52)
OTHER INDIRECT EXPENSE	17,386.07	20,926.65	(3,540.58)	18,138.52	(2,788.13)
TOTAL INDIRECT EXPENSES:	<u>69,679.86</u>	<u>71,535.83</u>	<u>(1,855.97)</u>	<u>64,848.34</u>	<u>(6,687.49)</u>
TOTAL ALL EXPENSES:	<u>70,147.36</u>	<u>72,507.53</u>	<u>(2,360.17)</u>	<u>65,405.29</u>	<u>(7,102.24)</u>
NET INCOME (LOSS):	<u>(70,147.36)</u>	<u>(72,507.53)</u>	<u>(2,360.17)</u>	<u>(65,405.29)</u>	<u>(7,102.24)</u>

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	212.50	781.25	568.75	191.25	590.00
RECOVERY OF DISCIPLINE COSTS	7,650.00	9,755.00	2,105.00	4,185.42	5,569.58
DISCIPLINE HISTORY SUMMARY	1,190.00	1,669.83	479.83	1,396.05	273.78
PRACTICE MONITOR FEES	340.00	-	(340.00)	-	-
TOTAL REVENUE:	9,392.50	12,206.08	2,813.58	5,772.72	6,433.36
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	195.50	327.00	(131.50)	859.00	532.00
PUBLICATIONS PRODUCTION	21.25	48.53	(27.28)	211.25	162.72
STAFF TRAVEL/PARKING	2,975.00	2,412.40	562.60	2,300.88	(111.52)
STAFF MEMBERSHIP DUES	349.44	2,400.00	(2,050.57)	1,425.00	(975.00)
TELEPHONE	195.50	237.45	(41.95)	185.92	(51.53)
COURT REPORTERS	2,975.00	2,170.80	804.20	1,707.00	(463.80)
OUTSIDE COUNSEL/AIC	85.00	-	85.00	-	-
LITIGATION EXPENSES	2,125.00	1,825.32	299.68	1,267.02	(558.30)
DISABILITY EXPENSES	637.50	-	637.50	-	-
ONLINE LEGAL RESEARCH	4,529.44	-	4,529.44	108.10	108.10
LAW LIBRARY	569.50	-	569.50	-	-
TRANSLATION SERVICES	85.00	-	85.00	-	-
CONFERENCE CALLS	-	-	-	4.16	4.16
PRACTICE MONITOR EXPENSE	340.00	-	340.00	-	-
TOTAL DIRECT EXPENSES:	15,083.12	9,421.50	5,661.62	8,068.33	(1,353.17)
INDIRECT EXPENSES:					
SALARY EXPENSE (36.93 FTE)	312,460.85	288,892.14	23,568.71	294,701.65	5,809.51
BENEFITS EXPENSE	103,004.45	94,885.35	8,119.10	90,874.66	(4,010.69)
OTHER INDIRECT EXPENSE	90,304.94	108,735.82	(18,430.89)	93,513.38	(15,222.44)
TOTAL INDIRECT EXPENSES:	505,770.23	492,513.31	13,256.92	479,089.69	(13,423.62)
TOTAL ALL EXPENSES:	520,853.35	501,934.81	18,918.54	487,158.02	(14,776.79)
NET INCOME (LOSS):	(511,460.85)	(489,728.73)	21,732.12	(481,385.30)	(8,343.43)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
DIVERSITY					
REVENUE:					
DONATIONS	10,625.00	-	(10,625.00)	137,500.00	(137,500.00)
WORK STUDY GRANTS	881.79	-	(881.79)	682.50	(682.50)
TOTAL REVENUE:	11,506.79	-	(11,506.79)	138,182.50	(138,182.50)
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	510.00	463.60	46.40	629.42	165.82
STAFF MEMBERSHIP DUES	83.30	-	83.30	-	-
COMMITTEE FOR DIVERSITY	510.00	962.46	(452.46)	301.77	(660.69)
DIVERSITY EVENTS & PROJECTS	1,338.75	280.00	1,058.75	823.52	543.52
INTERNAL DIVERSITY OUTREACH	17.00	-	17.00	-	-
TOTAL DIRECT EXPENSE:	2,459.05	1,706.06	752.99	1,754.71	48.65
INDIRECT EXPENSES:					
SALARY EXPENSE (3.87 FTE)	29,004.81	21,612.46	7,392.35	26,529.64	4,917.18
BENEFITS EXPENSE	9,774.32	8,731.42	1,042.90	8,807.20	75.78
OTHER INDIRECT EXPENSE	9,463.31	11,395.70	(1,932.40)	10,283.27	(1,112.43)
TOTAL INDIRECT EXPENSES:	48,242.43	41,739.58	6,502.85	45,620.11	3,880.53
TOTAL ALL EXPENSES:	50,701.48	43,445.64	7,255.84	47,374.82	3,929.18
NET INCOME (LOSS):	(39,194.69)	(43,445.64)	(4,250.95)	90,807.68	(134,253.32)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
CONSULTING SERVICES	255.00	-	255.00	-	-
PRINTING & COPYING	76.50	-	76.50	-	-
STAFF TRAVEL/PARKING	63.75	-	63.75	11.99	11.99
SUPPLIES	21.25	-	21.25	-	-
SPECIAL EVENTS	425.00	-	425.00	-	-
BOARD OF TRUSTEES	255.00	74.11	180.89	-	(74.11)
POSTAGE	42.50	7.28	35.22	-	(7.28)
TOTAL DIRECT EXPENSES:	1,139.00	81.39	1,057.61	11.99	(69.40)
INDIRECT EXPENSES:					
SALARY EXPENSE (1.05 FTE)	7,650.68	6,483.36	1,167.32	7,752.72	1,269.36
BENEFITS EXPENSE	2,693.57	2,457.63	235.94	2,485.26	27.63
OTHER INDIRECT EXPENSE	2,561.48	3,107.91	(546.43)	2,927.86	(180.05)
TOTAL INDIRECT EXPENSES:	12,905.72	12,048.90	856.82	13,165.84	1,116.94
TOTAL ALL EXPENSES:	14,044.72	12,130.29	1,914.43	13,177.83	1,047.54
NET INCOME (LOSS):	(14,044.72)	(12,130.29)	1,914.43	(13,177.83)	1,047.54

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	21.25	-	21.25	220.00	220.00
STAFF MEMBERSHIP DUES	73.95	-	73.95	-	-
SUBSCRIPTIONS	178.50	72.00	106.50	47.88	(24.12)
STAFF TRAINING- GENERAL	2,550.00	395.00	2,155.00	539.00	144.00
RECRUITING AND ADVERTISING	595.00	260.43	334.57	241.05	(19.38)
PAYROLL PROCESSING	4,165.00	-	4,165.00	3,637.70	3,637.70
SALARY SURVEYS	246.50	-	246.50	-	-
CONSULTING SERVICES	6,375.00	-	6,375.00	-	-
TRANSFER TO INDIRECT EXPENSE	(14,205.20)	(727.43)	(13,477.77)	(4,685.63)	(3,958.20)
TOTAL DIRECT EXPENSES:	-	-	-	-	-
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	23,112.61	18,822.51	4,290.10	20,327.11	1,504.60
ALLOWANCE FOR OPEN POSITIONS	(17,000.00)	-	(17,000.00)	-	-
BENEFITS EXPENSE	7,371.20	6,808.31	562.89	6,377.24	(431.07)
OTHER INDIRECT EXPENSE	5,990.97	7,210.39	(1,219.42)	6,212.80	(997.59)
TOTAL INDIRECT EXPENSES:	19,474.78	32,841.21	(13,366.44)	32,917.15	75.94
TOTAL ALL EXPENSES:	19,474.78	32,841.21	(13,366.44)	32,917.15	75.94
NET INCOME (LOSS):	(19,474.78)	(32,841.21)	(13,366.44)	(32,917.15)	75.94

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	14,620.00	332.00	(14,288.00)	2,000.00	(1,668.00)
LAW CLERK APPLICATION FEES	229.50	100.00	(129.50)	-	100.00
TOTAL REVENUE:	14,849.50	432.00	(14,417.50)	2,000.00	(1,568.00)
DIRECT EXPENSES:					
SUBSCRIPTIONS	21.25	-	21.25	-	-
CHARACTER & FITNESS INVESTIGATIONS	8.50	-	8.50	-	-
LAW CLERK BOARD EXPENSE	850.00	-	850.00	-	-
STAFF TRAVEL/PARKING	51.00	-	51.00	(11.99)	(11.99)
LAW CLERK OUTREACH	255.00	3,126.56	(2,871.56)	-	(3,126.56)
TOTAL DIRECT EXPENSES:	1,185.75	3,126.56	(1,940.81)	(11.99)	(3,138.55)
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	7,830.29	7,768.76	61.53	7,012.98	(755.78)
BENEFITS EXPENSE	2,923.83	2,751.75	172.08	2,357.28	(394.47)
OTHER INDIRECT EXPENSE	3,056.60	3,688.05	(631.45)	2,785.05	(903.00)
TOTAL INDIRECT EXPENSES:	13,810.72	14,208.56	(397.84)	12,155.31	(2,053.25)
TOTAL ALL EXPENSES:	14,996.47	17,335.12	(2,338.66)	12,143.32	(5,191.80)
NET INCOME (LOSS):	(146.97)	(16,903.12)	(16,756.16)	(10,143.32)	(6,759.80)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	212.50	-	212.50	(200.52)	(200.52)
STAFF MEMBERSHIP DUES	38.25	-	38.25	-	-
SUBSCRIPTIONS	170.00	-	170.00	-	-
OLYMPIA RENT	212.50	-	212.50	-	-
CONTRACT LOBBYIST	425.00	-	425.00	-	-
LEGISLATIVE COMMITTEE	212.50	290.66	(78.16)	688.34	397.68
BOG LEGISLATIVE COMMITTEE	21.25	-	21.25	-	-
TOTAL DIRECT EXPENSES:	1,292.00	290.66	1,001.34	487.82	197.16
INDIRECT EXPENSES:					
SALARY EXPENSE (1.10 FTE)	7,045.06	6,933.90	111.16	6,705.76	(228.14)
BENEFITS EXPENSE	2,607.46	2,461.41	146.05	2,128.35	(333.06)
OTHER INDIRECT EXPENSE	2,689.83	3,232.26	(542.44)	2,785.05	(447.21)
TOTAL INDIRECT EXPENSES:	12,342.34	12,627.57	(285.23)	11,619.16	(1,008.41)
TOTAL ALL EXPENSES:	13,634.34	12,918.23	716.11	12,106.98	(811.25)
NET INCOME (LOSS):	(13,634.34)	(12,918.23)	716.11	(12,106.98)	(811.25)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	1,870.00	2,641.60	771.60	1,730.33	911.27
RULE 9/LEGAL INTERN FEES	-	-	-	250.00	(250.00)
INVESTIGATION FEES	1,929.50	1,900.00	(29.50)	2,400.00	(500.00)
PRO HAC VICE	22,950.00	34,436.00	11,486.00	37,652.00	(3,216.00)
MEMBER CONTACT INFORMATION	850.00	4,866.45	4,016.45	2,075.00	2,791.45
PHOTO BAR CARD SALES	25.50	24.00	(1.50)	-	24.00
TOTAL REVENUE:	27,625.00	43,868.05	16,243.05	44,107.33	(239.28)
DIRECT EXPENSES:					
DEPRECIATION	1,177.25	1,151.00	26.25	1,151.00	-
POSTAGE	1,657.50	5,848.50	(4,191.00)	9,310.19	3,461.69
LICENSING FORMS	207.19	2,253.10	(2,045.91)	2,154.03	(99.07)
TOTAL DIRECT EXPENSES:	3,041.94	9,252.60	(6,210.66)	12,615.22	3,362.62
INDIRECT EXPENSES:					
SALARY EXPENSE (4.20 FTE)	32,883.95	31,224.26	1,659.69	31,990.14	765.88
BENEFITS EXPENSE	11,062.07	10,346.20	715.87	10,163.02	(183.18)
OTHER INDIRECT EXPENSE	10,270.30	12,348.81	(2,078.52)	11,033.08	(1,315.73)
TOTAL INDIRECT EXPENSES:	54,216.32	53,919.27	297.05	53,186.24	(733.03)
TOTAL ALL EXPENSES:	57,258.25	63,171.87	(5,913.62)	65,801.46	2,629.59
NET INCOME (LOSS):	(29,633.25)	(19,303.82)	10,329.43	(21,694.13)	2,390.31

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
SEMINAR REGISTRATIONS	1,245.68	199.00	(1,046.68)	-	199.00
LLLT LICENSE FEES	616.25	479.15	(137.10)	-	479.15
INVESTIGATION FEES	25.50	100.00	74.50	-	100.00
LLLT EXAM FEES	382.50	2,900.00	2,517.50	-	2,900.00
LLLT LATE LICENSE FEES	25.50	300.00	274.50	-	300.00
LLLT WAIVER FEES	25.50	-	(25.50)	-	-
MEMBER LATE FEES	25.50	-	(25.50)	-	-
TOTAL REVENUE:	2,346.43	3,978.15	1,631.73	-	3,978.15
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	51.00	101.80	(50.80)	-	(101.80)
FACILITY, PARKING, FOOD	51.00	-	51.00	-	-
LLLT BOARD	1,530.00	1,402.67	127.33	956.43	(446.24)
LLLT OUTREACH	255.00	121.05	133.95	1,467.78	1,346.73
LLLT EDUCATION	480.25	-	480.25	-	-
POSTAGE	1.70	-	1.70	-	-
LLLT EXAM WRITING	1,205.13	-	1,205.13	-	-
LICENSING FORMS	0.21	-	0.21	-	-
TOTAL DIRECT EXPENSES:	3,574.29	1,625.52	1,948.77	2,424.21	798.69
INDIRECT EXPENSES:					
SALARY EXPENSE (1.34 FTE)	8,783.05	8,735.91	47.14	11,176.24	2,440.33
BENEFITS EXPENSE	3,216.66	3,013.48	203.18	3,598.49	585.01
OTHER INDIRECT EXPENSE	3,264.51	3,978.12	(713.61)	3,927.64	(50.48)
TOTAL INDIRECT EXPENSES:	15,264.22	15,727.51	(463.29)	18,702.37	2,974.86
TOTAL ALL EXPENSES:	18,838.51	17,353.03	1,485.48	21,126.58	3,773.55
NET INCOME (LOSS):	(16,492.08)	(13,374.88)	3,117.20	(21,126.58)	7,751.70

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
LIMITED PRACTICE OFFICERS					
REVENUE:					
INVESTIGATION FEES	85.00	-	(85.00)	-	-
ACCREDITED PROGRAM FEES	510.00	-	(510.00)	-	-
MEMBER LATE FEES	76.50	-	(76.50)	-	-
LPO EXAMINATION FEES	2,210.00	7,200.00	4,990.00	-	7,200.00
LPO LICENSE FEES	14,781.50	14,843.20	61.70	-	14,843.20
LPO LATE LICENSE FEES	390.15	400.00	9.85	-	400.00
TOTAL REVENUE:	18,053.15	22,443.20	4,390.05	-	22,443.20
DIRECT EXPENSES:					
FACILITY, PARKING, FOOD	585.65	-	585.65	-	-
EXAM WRITING	1,205.13	-	1,205.13	-	-
ONLINE LEGAL RESEARCH	156.19	-	156.19	-	-
LAW LIBRARY	23.72	-	23.72	-	-
LICENSING FORMS	5.10	-	5.10	-	-
LPO BOARD	255.00	170.61	84.39	711.74	541.13
LPO OUTREACH	255.00	-	255.00	-	-
POSTAGE	40.80	-	40.80	-	-
PRINTING & COPYING	17.00	-	17.00	-	-
STAFF TRAVEL/PARKING	8.50	-	8.50	-	-
TOTAL DIRECT EXPENSES:	2,552.08	170.61	2,381.47	711.74	541.13
INDIRECT EXPENSES:					
SALARY EXPENSE (1.09 FTE)	7,368.48	7,379.85	(11.37)	8,226.80	846.95
BENEFITS EXPENSE	2,665.60	2,508.09	157.51	2,655.57	147.48
OTHER INDIRECT EXPENSE	2,653.19	3,232.24	(579.05)	2,963.57	(268.67)
TOTAL INDIRECT EXPENSES:	12,687.27	13,120.18	(432.91)	13,845.94	725.76
TOTAL ALL EXPENSES:	15,239.35	13,290.79	1,948.56	14,557.68	1,266.89
NET INCOME (LOSS):	2,813.80	9,152.41	6,338.61	(14,557.68)	23,710.09

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	45,390.00	48,100.00	2,710.00	68,200.00	(20,100.00)
FORM 1 LATE FEES	12,750.00	19,100.00	6,350.00	23,125.00	(4,025.00)
MEMBER LATE FEES	17,153.00	750.00	(16,403.00)	1,500.00	(750.00)
ANNUAL ACCREDITED SPONSOR FEES	3,655.00	-	(3,655.00)	500.00	(500.00)
ATTENDANCE LATE FEES	7,225.00	6,700.00	(525.00)	7,430.00	(730.00)
COMITY CERTIFICATES	2,465.00	1,475.09	(989.91)	1,050.01	425.08
TOTAL REVENUE:	88,638.00	76,125.09	(12,512.91)	101,805.01	(25,679.92)
DIRECT EXPENSES:					
DEPRECIATION	21,250.00	20,841.00	409.00	20,674.00	(167.00)
STAFF MEMBERSHIP DUES	42.50	-	42.50	-	-
ONLINE LEGAL RESEARCH	156.19	-	156.19	-	-
LAW LIBRARY	23.72	-	23.72	-	-
MCLE BOARD	170.00	131.38	38.62	176.99	45.61
TOTAL DIRECT EXPENSES:	21,642.40	20,972.38	670.02	20,850.99	(121.39)
INDIRECT EXPENSES:					
SALARY EXPENSE (4.65 FTE)	36,097.63	50,225.86	(14,128.23)	31,803.78	(18,422.08)
BENEFITS EXPENSE	10,489.00	9,932.88	556.12	9,533.68	(399.20)
OTHER INDIRECT EXPENSE	11,370.62	13,674.85	(2,304.23)	12,425.59	(1,249.26)
TOTAL INDIRECT EXPENSES:	57,957.25	73,833.59	(15,876.34)	53,763.05	(20,070.54)
TOTAL ALL EXPENSES:	79,599.65	94,805.97	(15,206.32)	74,614.04	(20,191.93)
NET INCOME (LOSS):	9,038.35	(18,680.88)	(27,719.23)	27,190.97	(45,871.85)

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	573.75	375.00	(198.75)	-	375.00
TOTAL REVENUE:	573.75	375.00	(198.75)	-	375.00
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	17.00	-	17.00	-	-
STAFF MEMBERSHIP DUES	19.13	-	19.13	-	-
PROF LIAB INSURANCE	72.25	-	72.25	-	-
TOTAL DIRECT EXPENSES:	108.38	-	108.38	-	-
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	7,454.33	6,526.58	927.75	7,113.04	586.46
BENEFITS EXPENSE	2,980.70	2,690.00	290.70	2,610.15	(79.85)
OTHER INDIRECT EXPENSE	2,200.74	2,652.05	(451.32)	2,285.16	(366.89)
TOTAL INDIRECT EXPENSES:	12,635.76	11,868.63	767.13	12,008.35	139.72
TOTAL ALL EXPENSES:	12,744.14	11,868.63	875.51	12,008.35	139.72
NET INCOME (LOSS):	(12,170.39)	(11,493.63)	676.76	(12,008.35)	514.72

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
MEMBER SERVICES & ENGAGEMENT					
REVENUE:					
ROYALTIES	3,612.50	3,320.01	(292.49)	2,872.89	447.12
NMP PRODUCT SALES	5,950.00	6,956.00	1,006.00	3,322.00	3,634.00
SPONSORSHIPS	68.00	-	(68.00)	-	-
SEMINAR REGISTRATIONS	1,275.00	-	(1,275.00)	-	-
TRIAL ADVOCACY PROGRAM	850.00	-	(850.00)	-	-
TOTAL REVENUE:	11,755.50	10,276.01	(1,479.49)	6,194.89	4,081.12
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	212.50	-	212.50	-	-
SUBSCRIPTIONS	42.50	15.00	27.50	769.60	754.60
CONFERENCE CALLS	25.50	0.47	25.03	-	(0.47)
YLL SECTION PROGRAM	93.50	-	93.50	-	-
WYLC CLE COMPS	85.00	-	85.00	-	-
WYLC OUTREACH EVENTS	212.50	96.51	115.99	-	(96.51)
WYL COMMITTEE	1,275.00	451.78	823.22	398.13	(53.65)
OPEN SECTIONS NIGHT	255.00	-	255.00	-	-
TRIAL ADVOCACY EXPENSES	212.50	0.05	212.45	-	(0.05)
RECEPTION/FORUM EXPENSE	340.00	150.00	190.00	-	(150.00)
WYLC SCHOLARSHIPS/DONATIONS/GRANT	212.50	-	212.50	-	-
STAFF MEMBERSHIP DUES	37.83	75.00	(37.18)	-	(75.00)
LENDING LIBRARY	467.50	259.32	208.18	1,466.00	1,206.68
NMP SPEAKERS & PROGRAM DEVELOPMENT	127.50	53.68	73.82	4.16	(49.52)
TOTAL DIRECT EXPENSES:	3,599.33	1,101.81	2,497.52	2,637.89	1,536.08
INDIRECT EXPENSES:					
SALARY EXPENSE (4.24 FTE)	27,733.12	33,726.73	(5,993.61)	24,646.16	(9,080.57)
BENEFITS EXPENSE	10,179.77	9,856.70	323.07	8,390.35	(1,466.35)
OTHER INDIRECT EXPENSE	10,368.05	12,473.14	(2,105.10)	10,104.74	(2,368.40)
TOTAL INDIRECT EXPENSES:	48,280.94	56,056.57	(7,775.64)	43,141.25	(12,915.32)
TOTAL ALL EXPENSES:	51,880.26	57,158.38	(5,278.12)	45,779.14	(11,379.24)
NET INCOME (LOSS):	(40,124.76)	(46,882.37)	(6,757.61)	(39,584.25)	(7,298.12)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
MEMBERSHIP BENEFITS					
REVENUE:					
SPONSORSHIPS	765.00	-	(765.00)	-	-
INTERNET SALES	1,020.00	2,058.00	1,038.00	882.00	1,176.00
TOTAL REVENUE:	1,785.00	2,058.00	273.00	882.00	1,176.00
DIRECT EXPENSES:					
TRANSCRIPTION SERVICES	127.50	-	127.50	-	-
LEGAL LUNCHBOX SPEAKERS & PROGRAM	170.00	-	170.00	13.69	13.69
WSBA CONNECTS	3,957.60	-	3,957.60	-	-
CASEMAKER & FASTCASE	11,597.06	10,836.94	760.12	5,416.00	(5,420.94)
CONFERENCE CALLS	-	-	-	127.69	127.69
TOTAL DIRECT EXPENSES:	15,852.16	10,836.94	5,015.22	5,557.38	(5,279.56)
INDIRECT EXPENSES:					
SALARY EXPENSE (0.69 FTE)	4,532.37	6,062.62	(1,530.25)	4,484.42	(1,578.20)
BENEFITS EXPENSE	1,656.14	1,985.33	(329.19)	1,545.18	(440.15)
OTHER INDIRECT EXPENSE	1,675.01	2,030.53	(355.52)	1,856.71	(173.82)
TOTAL INDIRECT EXPENSES:	7,863.52	10,078.48	(2,214.96)	7,886.31	(2,192.17)
TOTAL ALL EXPENSES:	23,715.68	20,915.42	2,800.26	13,443.69	(7,471.73)
NET INCOME (LOSS):	(21,930.68)	(18,857.42)	3,073.26	(12,561.69)	(6,295.73)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	1,215.86	1,215.86	1,267.59	(51.73)
DISPLAY ADVERTISING	25,287.50	40,019.00	14,731.50	-	40,019.00
SUBSCRIPT/SINGLE ISSUES	29.75	36.00	6.25	36.00	-
CLASSIFIED ADVERTISING	1,062.50	579.00	(483.50)	2,409.85	(1,830.85)
GEN ANNOUNCEMENTS	1,487.50	728.00	(759.50)	-	728.00
PROF ANNOUNCEMENTS	1,785.00	2,750.00	965.00	-	2,750.00
JOB TARGET ADVERTISING	9,562.50	13,773.95	4,211.45	16,905.51	(3,131.56)
TOTAL REVENUE:	39,214.75	59,101.81	19,887.06	20,618.95	38,482.86
DIRECT EXPENSES:					
BAD DEBT EXPENSE	170.00	-	170.00	(1,950.00)	(1,950.00)
POSTAGE	7,565.00	10,192.82	(2,627.82)	10,235.96	43.14
PRINTING, COPYING & MAILING	21,250.00	24,643.75	(3,393.75)	-	(24,643.75)
DIGITAL/ONLINE DEVELOPMENT	1,020.00	1,050.00	(30.00)	700.00	(350.00)
GRAPHICS/ARTWORK	297.50	-	297.50	-	-
OUTSIDE SALES EXPENSE	-	13,049.10	(13,049.10)	-	(13,049.10)
EDITORIAL ADVISORY COMMITTEE	68.00	470.74	(402.74)	136.26	(334.48)
STAFF MEMBERSHIP DUES	52.28	-	52.28	-	-
TOTAL DIRECT EXPENSES:	30,422.78	49,406.41	(18,983.64)	9,122.22	(40,284.19)
INDIRECT EXPENSES:					
SALARY EXPENSE (2.55 FTE)	17,543.58	17,238.64	304.94	16,994.37	(244.27)
BENEFITS EXPENSE	6,785.13	6,370.02	415.11	3,653.54	(2,716.48)
OTHER INDIRECT EXPENSE	6,235.52	7,500.44	(1,264.93)	5,712.95	(1,787.49)
TOTAL INDIRECT EXPENSES:	30,564.22	31,109.10	(544.88)	26,360.86	(4,748.24)
TOTAL ALL EXPENSES:	60,986.99	80,515.51	(19,528.52)	35,483.08	(45,032.43)
NET INCOME (LOSS):	(21,772.24)	(21,413.70)	358.54	(14,864.13)	(6,549.57)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
OFFICE OF THE EXECUTIVE DIRECTOR					
REVENUE:					
	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
	_____	_____	_____	_____	_____
ED TRAVEL & OUTREACH	425.00	380.83	44.17	-	(380.83)
LAW LIBRARY	23.72	-	23.72	-	-
STAFF TRAVEL/PARKING	459.00	-	459.00	-	-
STAFF MEMBERSHIP DUES	144.50	-	144.50	-	-
TELEPHONE	85.00	-	85.00	-	-
TOTAL DIRECT EXPENSES:	1,137.22	380.83	756.39	-	(380.83)
INDIRECT EXPENSES:					
SALARY EXPENSE (1.45 FTE)	21,003.84	20,522.44	481.40	-	(20,522.44)
BENEFITS EXPENSE	6,055.74	5,695.24	360.50	-	(5,695.24)
OTHER INDIRECT EXPENSE	3,545.69	4,268.21	(722.52)	-	(4,268.21)
TOTAL INDIRECT EXPENSES:	30,605.27	30,485.89	119.38	-	30,485.89
TOTAL ALL EXPENSES:	31,742.49	30,866.72	875.76	-	(30,866.72)
NET INCOME (LOSS):	(31,742.49)	(30,866.72)	875.76	-	(30,866.72)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	0.36	0.36	330.00	(329.64)
TOTAL REVENUE:	-	0.36	0.36	330.00	(329.64)
DIRECT EXPENSES:					
DEPRECIATION	283.56	-	283.56	-	-
STAFF TRAVEL/PARKING	25.50	-	25.50	-	-
STAFF MEMBERSHIP DUES	127.50	-	127.50	200.00	200.00
ONLINE LEGAL RESEARCH	937.13	-	937.13	-	-
LAW LIBRARY	142.21	-	142.21	-	-
COURT RULES COMMITTEE	255.00	-	255.00	532.83	532.83
DISCIPLINE ADVISORY ROUNDTABLE	42.50	-	42.50	-	-
CUSTODIANSHIPS	212.50	59.76	152.74	-	(59.76)
LITIGATION EXPENSES	42.50	-	42.50	-	-
TOTAL DIRECT EXPENSES:	2,068.39	59.76	2,008.63	732.83	673.07
INDIRECT EXPENSES:					
SALARY EXPENSE (5.82 FTE)	51,077.10	38,305.72	12,771.38	39,780.06	1,474.34
BENEFITS EXPENSE	16,864.09	14,781.42	2,082.67	14,948.55	167.13
OTHER INDIRECT EXPENSE	14,231.64	17,114.26	(2,882.63)	14,603.66	(2,510.60)
TOTAL INDIRECT EXPENSES:	82,172.82	70,201.40	11,971.42	69,332.27	(869.13)
TOTAL ALL EXPENSES:	84,241.21	70,261.16	13,980.05	70,065.10	(196.06)
NET INCOME (LOSS):	(84,241.21)	(70,260.80)	13,980.41	(69,735.10)	(525.70)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	17.00	-	17.00	-	-
LAW LIBRARY	94.86	-	94.86	-	-
DISCIPLINARY BOARD EXPENSES	850.00	304.01	545.99	772.76	468.75
CHIEF HEARING OFFICER	2,805.00	2,513.00	292.00	2,500.00	(13.00)
HEARING OFFICER EXPENSES	255.00	-	255.00	-	-
HEARING OFFICER TRAINING	170.00	-	170.00	-	-
OUTSIDE COUNSEL	4,675.00	4,000.00	675.00	3,000.00	(1,000.00)
TOTAL DIRECT EXPENSES:	8,866.86	6,817.01	2,049.85	6,272.76	(544.25)
INDIRECT EXPENSES:					
SALARY EXPENSE (1.55 FTE)	8,878.17	8,717.63	160.54	7,810.15	(907.48)
BENEFITS EXPENSE	3,439.78	3,271.88	167.90	3,097.87	(174.01)
OTHER INDIRECT EXPENSE	3,790.24	4,558.31	(768.08)	3,677.70	(880.61)
TOTAL INDIRECT EXPENSES:	16,108.18	16,547.82	(439.64)	14,585.72	(1,962.10)
TOTAL ALL EXPENSES:	24,975.04	23,364.83	1,610.21	20,858.48	(2,506.35)
NET INCOME (LOSS):	(24,975.04)	(23,364.83)	1,610.21	(20,858.48)	(2,506.35)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	70.13	-	70.13	-	-
ABA DELEGATES	476.00	-	476.00	-	-
ANNUAL CHAIR MEETINGS	51.00	510.31	(459.31)	479.10	(31.21)
JUDICIAL RECOMMENDATIONS COMMITTEE	382.50	39.65	342.85	23.36	(16.29)
BOG ELECTIONS	552.50	-	552.50	-	-
BAR OUTREACH	986.00	-	986.00	422.47	422.47
PROFESSIONALISM	170.00	-	170.00	-	-
TOTAL DIRECT EXPENSES:	2,688.13	549.96	2,138.17	924.93	374.97
INDIRECT EXPENSES:					
SALARY EXPENSE (2.73 FTE)	19,676.99	19,090.37	586.62	18,729.30	(361.07)
BENEFITS EXPENSE	6,961.33	6,520.69	440.64	6,023.37	(497.32)
OTHER INDIRECT EXPENSE	6,675.65	8,039.17	(1,363.53)	6,926.92	(1,112.25)
TOTAL INDIRECT EXPENSES:	33,313.97	33,650.23	(336.26)	31,679.59	(1,970.64)
TOTAL ALL EXPENSES:	36,002.09	34,200.19	1,801.90	32,604.52	(1,595.67)
NET INCOME (LOSS):	(36,002.09)	(34,200.19)	1,801.90	(32,604.52)	(1,595.67)

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
PRACTICE OF LAW BOARD					
REVENUE:					
	_____	_____	_____	_____	_____
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
	_____	_____	_____	_____	_____
PRACTICE OF LAW BOARD	1,360.00	726.95	633.05	1,080.77	353.82
TOTAL DIRECT EXPENSES:	1,360.00	726.95	633.05	1,080.77	353.82
INDIRECT EXPENSES:					
SALARY EXPENSE (0.40 FTE)	3,288.57	3,259.68	28.89	1,794.87	(1,464.81)
BENEFITS EXPENSE	1,110.53	1,028.26	82.27	1,071.06	42.80
OTHER INDIRECT EXPENSE	978.10	1,160.27	(182.18)	999.77	(160.50)
TOTAL INDIRECT EXPENSES:	5,377.19	5,448.21	(71.02)	3,865.70	(1,582.51)
TOTAL ALL EXPENSES:	6,737.19	6,175.16	562.03	4,946.47	(1,228.69)
NET INCOME (LOSS):	(6,737.19)	(6,175.16)	562.03	(4,946.47)	(1,228.69)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	340.00	568.72	(228.72)	-	(568.72)
STAFF MEMBERSHIP DUES	31.88	-	31.88	-	-
LAW LIBRARY	23.72	-	23.72	-	-
CPE COMMITTEE	425.00	323.20	101.80	829.31	506.11
TOTAL DIRECT EXPENSES:	820.59	891.92	(71.33)	829.31	62.61
INDIRECT EXPENSES:					
SALARY EXPENSE (1.55 FTE)	13,589.21	13,342.90	246.31	13,391.12	48.22
BENEFITS EXPENSE	4,849.51	4,504.94	344.57	4,402.05	(102.89)
OTHER INDIRECT EXPENSE	3,790.24	4,558.26	(768.03)	4,177.54	(380.72)
TOTAL INDIRECT EXPENSES:	22,228.95	22,406.10	(177.15)	21,970.71	435.39
TOTAL ALL EXPENSES:	23,049.54	23,298.02	(248.48)	22,800.02	(498.00)
NET INCOME (LOSS):	(23,049.54)	(23,298.02)	(248.48)	(22,800.02)	(498.00)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	10,625.00	-	(10,625.00)	137,500.00	(137,500.00)
PSP PRODUCT SALES	85.00	-	(85.00)	108.00	(108.00)
WORK STUDY GRANTS	178.50	-	(178.50)	-	-
TOTAL REVENUE:	10,888.50	-	(10,888.50)	137,608.00	(137,608.00)
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	18,851.05	373.20	18,477.85	-	(373.20)
STAFF TRAVEL/PARKING	170.00	-	170.00	17.00	17.00
PRO BONO & PUBLIC SERVICE COMMITTEE	170.00	160.35	9.65	311.36	151.01
PUBLIC SERVICE EVENTS AND PROJECTS	2,125.00	-	2,125.00	-	-
TOTAL DIRECT EXPENSES:	21,316.05	533.55	20,782.50	328.36	(205.19)
INDIRECT EXPENSES:					
SALARY EXPENSE (1.54 FTE)	9,949.08	9,712.50	236.58	4,428.76	(5,283.74)
BENEFITS EXPENSE	3,612.67	3,545.45	67.22	2,276.33	(1,269.12)
OTHER INDIRECT EXPENSE	3,765.76	4,516.88	(751.13)	2,606.52	(1,910.36)
TOTAL INDIRECT EXPENSES:	17,327.51	17,774.83	(447.33)	9,311.61	(8,463.22)
TOTAL ALL EXPENSES:	38,643.55	18,308.38	20,335.17	9,639.97	(8,668.41)
NET INCOME (LOSS):	(27,755.05)	(18,308.38)	9,446.67	127,968.03	(146,276.41)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
PUBLICATION & DESIGN SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	-
DIRECT EXPENSES:					
EQUIPMENT, HARDWARE & SOFTWARE	28.05	-	28.05	-	-
SUBSCRIPTIONS	22.27	-	22.27	-	-
SUPPLIES	25.50	-	25.50	-	-
IMAGE LIBRARY	397.80	4,100.00	(3,702.20)	4,100.00	-
TOTAL DIRECT EXPENSES:	473.62	4,100.00	(3,626.38)	4,100.00	-
INDIRECT EXPENSES:					
SALARY EXPENSE (1.09 FTE)	6,375.60	5,926.49	449.11	8,614.25	2,687.76
BENEFITS EXPENSE	2,448.43	2,227.13	221.30	2,339.89	112.76
OTHER INDIRECT EXPENSE	2,665.35	3,190.80	(525.46)	3,106.38	(84.42)
TOTAL INDIRECT EXPENSES:	11,489.37	11,344.42	144.95	14,060.52	2,716.10
TOTAL ALL EXPENSES:	11,962.99	15,444.42	(3,481.44)	18,160.52	2,716.10
NET INCOME (LOSS):	(11,962.99)	(15,444.42)	(3,481.44)	(18,160.52)	2,716.10

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	25,500.00	1,031.25	(24,468.75)	975.00	56.25
TOTAL REVENUE:	25,500.00	1,031.25	(24,468.75)	975.00	56.25
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	102.00	154.04	(52.04)	80.59	(73.45)
SUBSCRIPTIONS	31.62	-	31.62	-	-
CONFERENCE CALLS	25.50	19.12	6.38	78.70	59.58
MISCELLANEOUS	25.50	-	25.50	-	-
SECTION/COMMITTEE CHAIR MTGS	85.00	344.39	(259.39)	360.87	16.48
DUES STATEMENTS	510.00	5,788.00	(5,278.00)	-	(5,788.00)
STAFF MEMBERSHIP DUES	10.63	-	10.63	-	-
TOTAL DIRECT EXPENSES:	790.25	6,305.55	(5,515.31)	520.16	(5,785.39)
INDIRECT EXPENSES:					
SALARY EXPENSE (4.24 FTE)	25,794.78	20,573.12	5,221.66	26,162.82	5,589.70
BENEFITS EXPENSE	9,744.32	8,972.48	771.84	8,524.03	(448.45)
OTHER INDIRECT EXPENSE	10,361.93	12,473.14	(2,111.22)	10,783.16	(1,689.98)
TOTAL INDIRECT EXPENSES:	45,901.02	42,018.74	3,882.28	45,470.01	3,451.27
TOTAL ALL EXPENSES:	46,691.27	48,324.29	(1,633.02)	45,990.17	(2,334.12)
NET INCOME (LOSS):	(21,191.27)	(47,293.04)	(26,101.78)	(45,015.17)	(2,277.87)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
TECHNOLOGY					
REVENUE:					
<hr/>					
TOTAL REVENUE:	-	-	-	-	-
<hr/>					
DIRECT EXPENSES:					
<hr/>					
CONSULTING SERVICES	7,225.00	5,393.60	1,831.40	17,585.56	12,191.96
STAFF TRAVEL/PARKING	212.50	-	212.50	-	-
STAFF MEMBERSHIP DUES	9.35	-	9.35	-	-
TELEPHONE	2,040.00	1,644.31	395.69	1,413.79	(230.52)
COMPUTER HARDWARE	2,465.00	375.66	2,089.34	1,842.61	1,466.95
COMPUTER SOFTWARE	2,465.00	3,376.28	(911.28)	-	(3,376.28)
HARDWARE SERVICE & WARRANTIES	5,100.00	27,564.16	(22,464.16)	24,523.11	(3,041.05)
SOFTWARE MAINTENANCE & LICENSING	22,950.00	128,260.63	(105,310.63)	75,750.42	(52,510.21)
TELEPHONE HARDWARE & MAINTENANCE	850.00	-	850.00	-	-
COMPUTER SUPPLIES	1,275.00	581.59	693.41	387.10	(194.49)
THIRD PARTY SERVICES	12,155.00	11,644.75	510.25	14,639.50	2,994.75
TRANSFER TO INDIRECT EXPENSES	(56,746.85)	(178,840.98)	122,094.13	(136,142.09)	42,698.89
TOTAL DIRECT EXPENSES:	-	-	-	-	-
<hr/>					
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	92,682.47	93,686.76	(1,004.29)	89,520.14	(4,166.62)
BENEFITS EXPENSE	32,076.54	29,929.83	2,146.71	28,143.38	(1,786.45)
CAPITAL LABOR & OVERHEAD	(11,985.00)	(11,123.00)	(862.00)	(5,843.49)	5,279.51
OTHER INDIRECT EXPENSE	29,588.16	35,637.49	(6,049.33)	30,706.94	(4,930.55)
TOTAL INDIRECT EXPENSES:	142,362.17	148,131.08	(5,768.91)	142,526.97	(5,604.11)
TOTAL ALL EXPENSES:	142,362.17	148,131.08	(5,768.91)	142,526.97	(5,604.11)
NET INCOME (LOSS):	(142,362.17)	(148,131.08)	(5,768.91)	(142,526.97)	(5,604.11)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	73,100.00	34,680.00	(38,420.00)	13,802.00	20,878.00
SEMINAR-EXHIB/SPNSR/ETC	2,465.00	-	(2,465.00)	-	-
SHIPPING & HANDLING	85.00	81.00	(4.00)	27.00	54.00
COURSEBOOK SALES	765.00	762.00	(3.00)	1,186.00	(424.00)
MP3 AND VIDEO SALES	78,625.00	59,104.82	(19,520.18)	70,832.56	(11,727.74)
TOTAL REVENUE:	155,040.00	94,627.82	(60,412.18)	85,847.56	8,780.26
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	255.00	23.73	231.27	6.96	(16.77)
POSTAGE - FLIERS/CATALOGS	1,317.50	758.07	559.43	511.15	(246.92)
POSTAGE - MISC./DELIVERY	85.00	105.00	(20.00)	70.00	(35.00)
DEPRECIATION	494.70	485.00	9.70	633.00	148.00
ONLINE EXPENSES	3,570.00	2,881.33	688.67	3,454.12	572.79
ACCREDITATION FEES	255.00	(60.00)	315.00	(48.00)	12.00
SEMINAR BROCHURES	1,785.00	4,366.12	(2,581.12)	3,317.11	(1,049.01)
FACILITIES	19,890.00	8,510.94	11,379.06	3,204.68	(5,306.26)
SPEAKERS & PROGRAM DEVELOP	5,270.00	7,907.76	(2,637.76)	2,882.35	(5,025.41)
SPLITS TO SECTIONS	8,508.50	-	8,508.50	-	-
CLE SEMINAR COMMITTEE	42.50	21.72	20.78	37.85	16.13
BAD DEBT EXPENSE	51.00	-	51.00	-	-
STAFF TRAVEL/PARKING	510.00	135.84	374.16	45.60	(90.24)
STAFF MEMBERSHIP DUES	124.95	-	124.95	1,007.00	1,007.00
SUPPLIES	170.00	-	170.00	-	-
COST OF SALES - COURSEBOOKS	17.00	76.61	(59.61)	103.24	26.63
A/V DEVELOP COSTS (RECORDING)	127.50	-	127.50	-	-
POSTAGE & DELIVERY-COURSEBOOKS	42.50	74.78	(32.28)	23.94	(50.84)
STAFF TRAVEL/PARKING	170.00	54.56	115.44	-	(54.56)
TOTAL DIRECT EXPENSES:	42,686.15	25,341.46	17,344.69	15,249.00	(10,092.46)
INDIRECT EXPENSES:					
SALARY EXPENSE (9.31 FTE)	54,676.68	47,250.27	7,426.41	54,625.69	7,375.42
BENEFITS EXPENSE	20,896.32	18,952.52	1,943.80	19,369.50	416.98
OTHER INDIRECT EXPENSE	22,765.72	27,432.59	(4,666.87)	24,672.66	(2,759.93)
TOTAL INDIRECT EXPENSES:	98,338.71	93,635.38	4,703.33	98,667.85	5,032.47
TOTAL ALL EXPENSES:	141,024.86	118,976.84	22,048.02	113,916.85	(5,059.99)
NET INCOME (LOSS):	14,015.14	(24,349.02)	(38,364.16)	(28,069.29)	3,720.27

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	212.50	126.00	(86.50)	90.00	36.00
DESKBOOK SALES	8,500.00	3,503.60	(4,996.40)	2,700.00	803.60
SECTION PUBLICATION SALES	255.00	-	(255.00)	450.00	(450.00)
CASEMAKER ROYALTIES	5,100.00	1,547.62	(3,552.38)	4,400.22	(2,852.60)
TOTAL REVENUE:	14,067.50	5,177.22	(8,890.28)	7,640.22	(2,463.00)
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	5,100.00	(226.27)	5,326.27	1,973.01	2,199.28
COST OF SALES - SECTION PUBLICATION	63.75	-	63.75	78.04	78.04
SPLITS TO SECTIONS	85.00	-	85.00	-	-
DESKBOOK ROYALTIES	85.00	-	85.00	-	-
POSTAGE & DELIVER-DESKBOOKS	212.50	170.40	42.10	77.70	(92.70)
FLIERS/CATALOGS	255.00	-	255.00	-	-
ONLINE LEGAL RESEARCH	156.19	-	156.19	-	-
POSTAGE - FLIERS/CATALOGS	127.50	-	127.50	-	-
COMPLIMENTARY BOOK PROGRAM	212.50	-	212.50	-	-
OBSOLETE INVENTORY	-	70.30	(70.30)	-	(70.30)
BAD DEBT EXPENSE	8.50	-	8.50	-	-
RECORDS STORAGE - OFF SITE	688.50	675.00	13.50	620.00	(55.00)
STAFF MEMBERSHIP DUES	18.70	-	18.70	168.00	168.00
SUBSCRIPTIONS	12.75	-	12.75	-	-
TOTAL DIRECT EXPENSES:	7,025.89	689.43	6,336.46	2,916.75	2,227.32
INDIRECT EXPENSES:					
SALARY EXPENSE (2.25 FTE)	12,606.10	8,941.97	3,664.13	10,520.29	1,578.32
BENEFITS EXPENSE	4,930.34	3,910.23	1,020.11	3,730.43	(179.80)
OTHER INDIRECT EXPENSE	5,501.97	6,630.20	(1,128.24)	5,213.04	(1,417.16)
TOTAL INDIRECT EXPENSES:	23,038.40	19,482.40	3,556.00	19,463.76	(18.64)
TOTAL ALL EXPENSES:	30,064.29	20,171.83	9,892.46	22,380.51	2,208.68
NET INCOME (LOSS):	(15,996.79)	(14,994.61)	1,002.18	(14,740.29)	(254.32)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	255.00	784.23	529.23	197.15	587.08
CPF MEMBER ASSESSMENTS	85,000.00	12,480.00	(72,520.00)	13,020.00	(540.00)
INTEREST INCOME	1,700.00	7,463.64	5,763.64	6,299.72	1,163.92
TOTAL REVENUE:	86,955.00	20,727.87	(66,227.13)	19,516.87	1,211.00
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	85.00	154.01	(69.01)	(68.47)	(222.48)
GIFTS TO INJURED CLIENTS	42,500.00	-	42,500.00	1,200.00	1,200.00
CPF BOARD EXPENSES	255.00	223.69	31.31	-	(223.69)
TOTAL DIRECT EXPENSES:	42,840.00	377.70	42,462.30	1,131.53	753.83
INDIRECT EXPENSES:					
SALARY EXPENSE (1.18 FTE)	6,787.68	6,656.66	131.02	6,735.72	79.06
BENEFITS EXPENSE	2,625.14	2,486.51	138.63	2,709.21	222.70
OTHER INDIRECT EXPENSE	2,885.50	3,480.87	(595.38)	3,177.80	(303.07)
TOTAL INDIRECT EXPENSES:	12,298.31	12,624.04	(325.73)	12,622.73	(1.31)
TOTAL ALL EXPENSES:	55,138.31	13,001.74	42,136.57	13,754.26	752.52
NET INCOME (LOSS):	31,816.69	7,726.13	(24,090.56)	5,762.61	1,963.52

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	38,590.43	1,525.00	(37,065.43)	1,360.00	165.00
SEMINAR PROFIT SHARE	8,000.09	-	(8,000.09)	-	-
INTEREST INCOME	197.20	-	(197.20)	-	-
PUBLICATIONS REVENUE	850.00	-	(850.00)	-	-
OTHER	3,918.50	460.00	(3,458.50)	4,555.00	(4,095.00)
TOTAL REVENUE:	51,556.22	1,985.00	(49,571.22)	5,915.00	(3,930.00)
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	47,798.90	25,783.17	22,015.73	23,218.93	(2,564.24)
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	25,367.72	1,031.25	24,336.47	975.00	(56.25)
TOTAL DIRECT EXPENSES:	73,166.62	26,814.42	46,352.20	24,193.93	(2,620.49)
NET INCOME (LOSS):	(21,610.40)	(24,829.42)	(3,219.02)	(18,278.93)	(6,550.49)

Washington State Bar Association

Statement of Activities

For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	LAST YEAR CURRENT MONTH ACTUAL	ACTUAL VARIANCE TO LAST YEAR
INDIRECT EXPENSES:					
SALARIES	1,025,139.87	956,883.86	68,256.01	975,059.60	18,175.74
ALLOWANCE FOR OPEN POSITIONS	(17,000.00)	-	(17,000.00)	-	-
TEMPORARY SALARIES	21,316.30	26,164.50	(4,848.20)	11,098.40	(15,066.10)
CAPITAL LABOR & OVERHEAD	(11,985.00)	(11,123.00)	(862.00)	(5,843.49)	5,279.51
EMPLOYEE ASSISTANCE PLAN	408.00	19,400.00	(18,992.00)	-	(19,400.00)
EMPLOYEE SERVICE AWARDS	261.80	935.00	(673.20)	1,160.00	225.00
FICA (EMPLOYER PORTION)	75,395.00	69,834.73	5,560.27	70,034.88	200.15
L&I INSURANCE	4,207.50	-	4,207.50	-	-
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER PORTION)	1,487.50	1,342.98	144.52	-	(1,342.98)
MEDICAL (EMPLOYER PORTION)	134,300.00	119,264.27	15,035.73	121,193.44	1,929.17
RETIREMENT (EMPLOYER PORTION)	129,795.00	121,316.27	8,478.73	124,774.69	3,458.42
TRANSPORTATION ALLOWANCE	9,775.00	420.00	9,355.00	355.00	(65.00)
UNEMPLOYMENT INSURANCE	7,182.50	2,545.42	4,637.08	2,430.25	(115.17)
STAFF DEVELOPMENT-GENERAL	586.50	168.22	418.28	-	(168.22)
TOTAL SALARY & BENEFITS EXPENSE:	1,380,869.97	1,307,152.25	73,717.72	1,300,262.77	(6,889.48)
WORKPLACE BENEFITS	3,782.50	4,221.06	(438.56)	3,966.57	(254.49)
HUMAN RESOURCES POOLED EXP	14,205.20	727.43	13,477.77	4,685.63	3,958.20
MEETING SUPPORT EXPENSES	1,275.00	545.53	729.47	1,628.39	1,082.86
RENT	165,835.00	150,259.92	15,575.08	145,694.40	(4,565.52)
PERSONAL PROP TAXES-WSBA	1,020.00	900.84	119.16	1,613.93	713.09
FURNITURE, MAINT, LH IMP	2,975.00	461.31	2,513.69	353.42	(107.89)
OFFICE SUPPLIES & EQUIPMENT	3,910.00	5,855.85	(1,945.85)	6,760.27	904.42
FURN & OFFICE EQUIP DEPRECIATION	4,505.00	4,282.00	223.00	3,700.00	(582.00)
COMPUTER HARDWARE DEPRECIATION	4,250.00	3,517.00	733.00	3,452.00	(65.00)
COMPUTER SOFTWARE DEPRECIATION	14,025.00	10,553.00	3,472.00	9,764.00	(789.00)
INSURANCE	20,655.00	17,639.19	3,015.81	11,916.18	(5,723.01)
PROFESSIONAL FEES-AUDIT	7,225.00	-	7,225.00	3,750.00	3,750.00
PROFESSIONAL FEES-LEGAL	21,250.00	22,034.44	(784.44)	-	(22,034.44)
TELEPHONE & INTERNET	3,995.00	3,634.78	360.22	4,196.50	561.72
POSTAGE - GENERAL	2,550.00	2,123.73	426.27	2,276.04	152.31
RECORDS STORAGE	3,570.00	3,658.47	(88.47)	6,062.20	2,403.73
STAFF TRAINING	8,491.50	2,540.00	5,951.50	7,712.57	5,172.57
BANK FEES	2,890.00	2,367.64	522.36	2,194.66	(172.98)
PRODUCTION MAINTENANCE & SUPPLIES	1,020.00	58.03	961.97	1,188.66	1,130.63
COMPUTER POOLED EXPENSES	56,746.85	178,840.98	(122,094.13)	136,142.09	(42,698.89)
TOTAL OTHER INDIRECT EXPENSES:	344,176.05	414,221.20	(70,045.15)	357,057.51	(57,163.69)
TOTAL INDIRECT EXPENSES:	1,725,046.02	1,721,373.45	3,672.57	1,657,320.28	(64,053.17)

Washington State Bar Association
Statement of Activities
For the Period from October 1, 2019 to October 30, 2019

	CURRENT MONTH 2020 BUDGET	CURRENT MONTH ACTUAL	LAST YEAR CURRENT MONTH ACTUAL	BUDGET VS. ACTUAL VARIANCE	ACTUAL VARIANCE TO LAST YEAR
SUMMARY PAGE					
LICENSE FEES	1,377,000.00	1,328,780.58	1,312,814.53	(48,219.42)	15,966.05
ACCESS TO JUSTICE	(26,037.29)	(21,950.62)	(27,010.94)	4,086.67	5,060.32
ADMINISTRATION	(93,988.50)	(80,048.20)	(103,317.77)	13,940.30	23,269.57
ADMISSIONS/BAR EXAM	2,445.45	163,001.38	149,446.94	160,555.93	13,554.44
BOARD OF GOVERNORS	(48,030.27)	(26,280.18)	(113,152.29)	21,750.09	86,872.11
COMMUNICATIONS	(53,308.18)	(49,071.83)	(55,366.73)	4,236.35	6,294.90
CONFERENCE & BROADCAST SERVICES	(70,147.36)	(72,507.53)	(65,405.29)	(2,360.17)	(7,102.24)
DISCIPLINE	(511,460.85)	(489,728.73)	(481,385.30)	21,732.12	(8,343.43)
DIVERSITY	(39,194.69)	(43,445.64)	90,807.68	(4,250.95)	(134,253.32)
FOUNDATION	(14,044.72)	(12,130.29)	(13,177.83)	1,914.43	1,047.54
HUMAN RESOURCES	(19,474.78)	(32,841.21)	(32,917.15)	(13,366.44)	75.94
LAP	(12,170.39)	(11,493.63)	(12,008.35)	676.76	514.72
LEGISLATIVE	(13,634.34)	(12,918.23)	(12,106.98)	716.11	(811.25)
LICENSING AND MEMBERSHIP	(29,633.25)	(19,303.82)	(21,694.13)	10,329.43	2,390.31
LIMITED LICENSE LEGAL TECHNICIAN	(16,492.08)	(13,374.88)	(21,126.58)	3,117.20	7,751.70
LIMITED PRACTICE OFFICERS	2,813.80	9,152.41	(14,557.68)	6,338.61	23,710.09
MANDATORY CLE ADMINISTRATION	9,038.35	(18,680.88)	27,190.97	(27,719.23)	(45,871.85)
MEMBER BENEFITS	(21,930.68)	(18,857.42)	(12,561.69)	3,073.26	(6,295.73)
MEMBER SERVICES & ENGAGEMENT	(40,124.76)	(46,882.37)	(39,584.25)	(6,757.61)	(7,298.12)
NW LAWYER	(21,772.24)	(21,413.70)	(14,864.13)	358.54	(6,549.57)
OFFICE OF THE EXECUTIVE DIRECTOR	(31,742.49)	(30,866.72)	-	875.76	(30,866.72)
OFFICE OF GENERAL COUNSEL	(84,241.21)	(70,260.80)	(69,735.10)	13,980.41	(525.70)
OGC-DISCIPLINARY BOARD	(24,975.04)	(23,364.83)	(20,858.48)	1,610.21	(2,506.35)
OUTREACH & ENGAGEMENT	(36,002.09)	(34,200.19)	(32,604.52)	1,801.90	(1,595.67)
PRACTICE OF LAW BOARD	(6,737.19)	(6,175.16)	(4,946.47)	562.03	(1,228.69)
PROFESSIONAL RESPONSIBILITY PROGRAM	(23,049.54)	(23,298.02)	(22,800.02)	(248.48)	(498.00)
PUBLICATION & DESIGN SERVICES	(11,962.99)	(15,444.42)	(18,160.52)	(3,481.44)	2,716.10
PUBLIC SERVICE PROGRAMS	(27,755.05)	(18,308.38)	127,968.03	9,446.67	(146,276.41)
LAW CLERK PROGRAM	(146.97)	(16,903.12)	(10,143.32)	(16,756.16)	(6,759.80)
SECTIONS ADMINISTRATION	(21,191.27)	(47,293.04)	(45,015.17)	(26,101.78)	(2,277.87)
TECHNOLOGY	(142,362.17)	(148,131.08)	(142,526.97)	(5,768.91)	(5,604.11)
CLE - PRODUCTS	58,487.06	39,616.36	51,969.36	(18,870.70)	(12,353.00)
CLE - SEMINARS	(44,471.92)	(63,965.38)	(80,038.65)	(19,493.47)	16,073.27
SECTIONS OPERATIONS	(21,610.40)	(24,829.42)	(18,278.93)	(3,219.02)	(6,550.49)
DESKBOOKS	(15,996.79)	(14,994.61)	(14,740.29)	1,002.18	(254.32)
CLIENT PROTECTION FUND	31,816.69	7,726.13	5,762.61	(24,090.56)	1,963.52
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	-	-	(830.91)	-	830.91
INDIRECT EXPENSES	(1,725,046.02)	(1,721,373.45)	(1,657,320.28)	3,672.57	(64,053.17)
TOTAL OF ALL	1,767,134.11	1,702,060.92	1,412,276.60	(65,073.19)	(289,784.32)
NET INCOME (LOSS)	(42,088.09)	19,312.53	245,043.68	61,400.62	(225,731.15)

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 781,850

Total

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.10%	\$ 1,701,687
UBS Financial Money Market	2.17%	\$ 1,076,639
Morgan Stanley Money Market	2.09%	\$ 3,331,879
Merrill Lynch Money Market	2.10%	\$ 1,963,179
Short Term Investments	Varies	\$ 250,000

General Fund Total \$ **9,105,234**

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 350,099

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.10%	\$ 3,968,651
Morgan Stanley Money Market	2.00%	\$ 106,349

Client Protection Fund Total \$ **4,075,000**

Grand Total Cash & Investments \$ **13,180,234**

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>
US Bank National Association	2.45%	2.45%	9 months	11/6/2019	250,000.00
Total Short Term Investments- General Fund					<u>250,000.00</u>

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>

TO: Terra Nevitt, Interim Executive Director

FROM: Kevin Plachy, Interim Director of Advancement
Paris Eriksen, Member Services and Engagement Manager
Eleen Trang, Sections Program Specialist

RE: WSBA Sections 2019 Annual Summary & Section Annual Reports

DATE: January 9, 2020

Per the WSBA Bylaws, each WSBA section is required to submit an annual report on section activities and priorities to the WSBA Executive Director. Approximately one-quarter of all WSBA members belong to one or more of the WSBA's 29 sections. The WSBA sections help to carry out the work of the Bar and meet the organization's mission of serving the public and the members of the Bar. Each year, section executive committees and the WSBA staff work together to increase and improve the benefits and support available to section members. Sections generally rely on member dues, CLE registration revenue, and publication royalties to fund their activities.

Summary of WSBA Sections for 2019 (January 1, 2019 – December 31, 2019):

- **16,017** section memberships¹
- **404** section executive committee members across all 29 sections.²
- **\$30** average dues amount to join a section in 2019 (range \$20-\$40). Law student rate is \$18.75.

In 2019, WSBA sections provided the following member benefits:

- **73** section-sponsored educational programs with WSBA: CLE seminars (27) and mini-CLEs (46)³.
- **\$58,000** awarded in scholarships donations and/or grants⁴.
- **19** law school/student outreach events/benefits
- **231** legislative bills reviewed/drafted, with many sections reviewing too many to count.
- **21** newsletters produced
- **30** receptions or forums (non-CLE)
- **11** awards given
- **29** new lawyer outreach events/benefits

Unless otherwise cited, all information was gathered from the completed annual reports.

WSBA 2019 Section Annual Reports

Included with this cover memo are the 2019 annual reports submitted by the section executive committees. Some section annual reports were not submitted in time for inclusion in these materials but will be published on the WSBA website.

¹ December 2, 2019 WSBA Member Demographic Reports. Section memberships range: 83 – 2,308 members.

² December 2019 hand count, includes nonvoting members

³ WSBA CLE, January 2019.

⁴ September 2019 Monthly Financial Report

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Antitrust, Consumer Protection, and Unfair Business Practices Section</i>	
Chair:	<i>Eric Weiss and Danica Noble</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	226
	Staff Lead:	Eleen Trang
	BOG Liaison:	P. J. Grabicki
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$6,819.67
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$1,736.33
Purpose:	To encourage interest, quality, and comradery in the practice of antitrust, consumer protection, and unfair business practices law in the State of Washington.	
2019 Accomplishments and Work in Progress:	<p>Our Section has had three major accomplishments in 2019.</p> <p>First, we continue to produce numerous mini-CLEs on varied topics with guest speakers and member-produced content. This year’s mini-CLEs included: The Future of Antitrust; Consumer Protection Legislative Update; Ninth Circuit Update (with Judge McKeown); Hear from the Enforcers (FTC and WA AG’s Office); and Healthcare and Monopsony, thoughts by FTC Commissioner Rebecca Slaughter.</p> <p>Second, the section hosted its annual Antitrust Law Day and Consumer Protection Law Half Day in coordination with Seattle</p>	

	<p>University and University of Washington law schools. Like past years, the event was well-attended.</p> <p>Finally, the Section is in the process of administering six \$500 grants. The grants will be awarded to students at Washington’s three law schools. To apply, students will be invited to submit a 1-page essay describing why the practice of antitrust or, alternatively, the practice of consumer protection law is important. Professors at each school will select a winner for each essay topic. The two winners selected from each school will be provided \$500 and their names and essays will be published in a newsletter to the Section. We hope to make this an annual Section activity.</p>																							
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	<table border="1"> <thead> <tr> <th data-bbox="539 653 695 722">Quantity</th> <th data-bbox="695 653 1463 722">Member Benefit</th> </tr> </thead> <tbody> <tr> <td data-bbox="539 722 695 871">6 (\$500) In process</td> <td data-bbox="695 722 1463 871">Scholarships, donations, grants awarded</td> </tr> <tr> <td data-bbox="539 871 695 940">2</td> <td data-bbox="695 871 1463 940">Law school outreach events/benefits hosted</td> </tr> <tr> <td data-bbox="539 940 695 1010">36</td> <td data-bbox="695 940 1463 1010">Legislative bills reviewed/drafted</td> </tr> <tr> <td data-bbox="539 1010 695 1079">N/A</td> <td data-bbox="695 1010 1463 1079">Newsletters produced</td> </tr> <tr> <td data-bbox="539 1079 695 1148">6</td> <td data-bbox="695 1079 1463 1148">Mini-CLEs produced</td> </tr> <tr> <td data-bbox="539 1148 695 1218">1</td> <td data-bbox="695 1148 1463 1218">Co-sponsored half/day to multi-day CLEs with WSBA</td> </tr> <tr> <td data-bbox="539 1218 695 1287">2</td> <td data-bbox="695 1218 1463 1287">Receptions/forums hosted</td> </tr> <tr> <td data-bbox="539 1287 695 1356">N/A</td> <td data-bbox="695 1287 1463 1356">Awards given</td> </tr> <tr> <td data-bbox="539 1356 695 1425">2</td> <td data-bbox="695 1356 1463 1425">New Lawyer Outreach events/benefits</td> </tr> <tr> <td data-bbox="539 1425 695 1507">N/A</td> <td data-bbox="695 1425 1463 1507">Other (please describe):</td> </tr> </tbody> </table>	Quantity	Member Benefit	6 (\$500) In process	Scholarships, donations, grants awarded	2	Law school outreach events/benefits hosted	36	Legislative bills reviewed/drafted	N/A	Newsletters produced	6	Mini-CLEs produced	1	Co-sponsored half/day to multi-day CLEs with WSBA	2	Receptions/forums hosted	N/A	Awards given	2	New Lawyer Outreach events/benefits	N/A	Other (please describe):	
Quantity	Member Benefit																							
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N/A	Other (please describe):																							
<p>2020 Goals & Priorities (Top 5)</p>	<table border="1"> <tbody> <tr> <td data-bbox="539 1507 695 1694">1</td> <td data-bbox="695 1507 1463 1694">To standardize our grant program offered to students at law schools in Washington interested in antitrust and consumer protection law.</td> </tr> <tr> <td data-bbox="539 1694 695 1801">2</td> <td data-bbox="695 1694 1463 1801">Continue to produce and deliver quality continuing legal education.</td> </tr> <tr> <td data-bbox="539 1801 695 1896">3</td> <td data-bbox="695 1801 1463 1896">Improve our Section communication and marketing.</td> </tr> <tr> <td data-bbox="539 1896 695 1990">4</td> <td data-bbox="695 1896 1463 1990">Recruit new members.</td> </tr> </tbody> </table>	1	To standardize our grant program offered to students at law schools in Washington interested in antitrust and consumer protection law.	2	Continue to produce and deliver quality continuing legal education.	3	Improve our Section communication and marketing.	4	Recruit new members.															
1	To standardize our grant program offered to students at law schools in Washington interested in antitrust and consumer protection law.																							
2	Continue to produce and deliver quality continuing legal education.																							
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4	Recruit new members.																							

	5	Publish at least one newsletter.
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Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

In February, we plan to host a mini-CLE on working with and mentoring (both formally and informally) law students and young lawyers in the antitrust and consumer protection world. The CLE will be followed by a networking event. Prior to putting this together, two section executive committee members attended a diversity and inclusion program for legal intern supervisors at the University of Washington. We will incorporate best practices learned at that program into the CLE. We have also contacted EEOC office members to ask for further suggestions on the program.

In addition, the executive committee regularly welcomes visitors to its meetings, and the executive committee is given opportunities to add to the agenda before the meetings, during the meetings, and after the meetings. Contributions are widely solicited.

Finally, to promote interest in our section and in antitrust and consumer protection generally, we have long-standing events at law schools that expose students to these practice areas and make practitioners available for questions. Our executive committee members also meet with interested students and legal professionals who want to learn more about antitrust and consumer protection.

We would be happy to learn how the Diversity Specialist could assist in our efforts.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

In the past, the Section has offered networking opportunities and tips for successful networking at conferences. We also encourage our members to propose ideas for CLEs or events that are meaningful to them and always aim to host one ethics-themed CLE each year. We co-sponsor events with other sections and invite a range of speakers. Finally, our executive committee members serve as volunteer judges on the moot court/mock trials at local law schools.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We always try to recruit a young lawyer liaison and engage them in our process with meaningful work and opportunities to develop programs in which they are interested. Our new young lawyer liaison, Paula, is very engaged and has many ideas for how to increase engagement of other young lawyers. In addition, our newest executive committee members include young lawyers. Our Section has also been a part of Antitrust Day for more than a

decade. This event brings practitioners of competition law in front of law students at Seattle University and University of Washington. Finally, we have a pizza reception and networking event following our Consumer Protection Law Half –Day at Perkins Coie with participation with many law students as well.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Our WSBA staff liaison and point people have been responsive and helpful. Our interactions with the BOG have been minimal.

The Section believes that WSBA staff could improve attendance at mini-CLEs or other programming by providing reminders (automated or otherwise) to those who have registered 24-48 hours before the event. Another idea is sending registration confirmations as calendar invites.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Administrative Law Section</i>	
Chair:	<i>Jon Bashford (2018-2019); Robert Krabill (2019-2020)</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	255
	Staff Lead:	Eleen Trang
	BOG Liaison:	Bryn Peterson
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$10,245.86
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$20,952.62
Purpose:	<p>The purpose of the Administrative Law Section is to seek participation of all interested members of the Bar to benefit section members, their clients, and the general public by:</p> <ul style="list-style-type: none"> • Exchanging ideas and sharing knowledge in administrative law, including the Washington Administrative Procedure Act, Public Records Act, and Open Public Meetings Act, through CLEs, publications, meetings, and other means of communication; • Initiating and implementing common projects; • Improving and facilitating the administration of justice in administrative law through the review of pending legislation and regulations, the development of proposed statutes, and the promotion of uniformity in legislation and administration; and • Providing other services that may benefit section members, the legal profession, and the public. 	

2019 Accomplishments and Work in Progress:

WSBA Administrative Activities (Officers):

- September 17, 2018 – Young Lawyer Liaisons to Sections Orientation
- January 31, 2019 – Open Sections Night
- March 12, 2019 – Emergency Board of Governors Meeting
- Spring 2019 – Officer and At-Large Executive Committee Elections under WSBA’s new electronic process
- June 7 & 8, 2019 - Mini-CLE and Board Retreat
- August 2, 2019 – FY 2019 Budget submitted
- October 31, 2019 – 2019 Annual Fall Section Leaders Meeting
- Legislative committee Richard Potter, John Gray, and Chair Robert Krabill attending WSBA Legislative training on date TBD in @ December 2019.
- Section Chairs will be meeting quarterly starting 11/18/19.

Diversity and Outreach (Alexis Hartwell-Gobeske and Robert Rhodes, Co-Chairs):

- January 24, 2018 – Open Sections Night
- January 31, 2019 – Open Sections Night in Seattle
- Design Mentorship Program Plan designed to pair lawyers with experience in administrative law practice with attorneys with attorneys who have recently started practicing in admin law (or are interested in admin law). This program is designed primarily to focus on age diversity but our goal is that it will act as outreach to a wider group of underrepresented attorneys who could really benefit from the program and the one-on-one experience. Advertising for the program begins in early January and the application period opens mid-January. The program officially begins in April. We are basing our model almost entirely on the WSBA curriculum for the first year.

Legislative Committee (Richard Potter, Chair):

- Ongoing input on bills and legislation related to Public Records Act, Administrative Procedure Act, Open Public Meetings Act, the Office of Administrative Hearings, and other codes affecting administrative agency procedures, hearings, rulemakings, appeals, and judicial review. Ninety-three (93) bills (not including companion bills) reviewed during the 2019 legislative session.
- Articles published in Fall 2018 and Winter/Spring 2019 Newsletters regarding State Agencies’ Indices of Orders and

Statements under the Public Records Act (RCW 42.56.070(5)).

Law Student Grants (Susan Pierini, Chair)

- 2019 – Seth Alexander
- The Section sponsored a \$5,000 summer grant for law students working in administrative law in a position that supports diversity and inclusion.

Newsletters (Eileen Keiffer, Prior Chair, and Bill Pardee, Current Chair):

- Fall 2018
- Winter/Spring 2019
- Summer/Fall 2019

Publications and Practice Manuals (Gabe Verdugo, Chair):

- APA Practice Manual – Chapters updated in 2019 include:
 - Chapter 11: Civil Enforcement of Agency Action
 - Chapter 14: Judicial Review of Administrative Proceedings Not Subject to APA
- PRA Deskbook – Supplement scheduled to be published in early 2020

Seminars and Events (Robert Krabill, Prior Chair, and Eileen Keiffer, Current Chair):

- June 7, 2019 – “The Public Records Act: Spring 2019 Update” and “Damned If You Do, Damned If You Don’t: The Plight of the Government Whistleblower,” Union, WA
 - Reception following CLE
- October 25, 2019 – “Washington-Oregon Administrative Law Conference,” Sea-Tac, WA and webinar
- December 9, 2019 – “Faithless Electors,” Olympia, WA

Homan Award:

- Awarded in 2019 to Katy Hatfield

Meetings:

- January 23, 2019 – Executive Committee telephonic meeting
- June 8, 2019 – Retreat & In-Person Executive Committee meeting, Alderbrook Lodge
- June 26, 2019 – Executive Committee telephonic meeting
- August 1, 2019 – Executive Committee telephonic meeting
- August 21, 2019 – Executive Committee telephonic meeting
- September 16, 2019 – Executive Committee telephonic meeting
- October 21, 2019 – Executive Committee telephonic meeting

	<ul style="list-style-type: none"> November 18, 2019 – Executive Committee telephonic meeting December 16, 2019 – Executive Committee telephonic meeting 	
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> \$3000 Scholarships, donations, grants awarded; 4 mini-CLEs produced 	Quantity	Member Benefit
	\$5000	Scholarships, donations, grants awarded
	\$0	Law school outreach events/benefits hosted
	93	Legislative bills reviewed/drafted
	3	Newsletters produced
	2	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
	1	Awards given
	\$50	New Lawyer Outreach events/benefits
	1	Members only Mentorship Program – mentees benefit from one-on-one mentoring while mentors benefit from free CLE credits earned while mentoring
<p>2020 Goals & Priorities (Top 5)</p>	1	Publish Supplement to Public Records Act Deskbook
	2	Produce full-day CLE on Public Records Act
	3	Develop a mentoring program within the framework of WSBA’s mentoring program to run initially from April 2020 – March 2021
	4	Produce 2+ free/low-cost mini CLEs
	5	Publish 3 newsletters
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p>		

The Administrative Law Section is involved in all areas of administrative law of interest to Washington lawyers, including Washington State administrative law, federal administrative law, tribal administrative law, and interstate compact administrative law. We recognize that most attorneys in Washington practice some type of administrative law, even if they never directly apply the Washington Administrative Procedure Act. The section welcomes anyone as a member who has an interest in administrative law. Our members include:

- Assistant attorneys general
- Public agency in-house attorneys
- City attorneys (on private contract as well as municipal employees)
- County prosecutors
- Private practitioners who represent clients subject to government regulation
- Judicial officials
- Administrative Law Judges

The Administrative Law Section board strives to recruit members and board members from historically underrepresented backgrounds, LGBT attorneys, young/new attorneys, and attorneys from all over the state. We also added diversity as a consideration for our law student grant, encouraging law students from underrepresented backgrounds to consider practicing administrative law and to become active in the section. The section's diversity and outreach co-chairs are Alexis Hartwell-Gobeske and Robert Rhodes who have focused primarily on both creating awareness within the section leadership about bias, equality and equity while developing a mentorship program for the 2020 year that is designed to provide guidance and support to new and underrepresented attorneys as they begin their practice in administrative law. Instead of working directly with minority bar associations, we are focused on developing a section that is inclusive and supportive of minorities in the practice area which we hope will foster a diverse population for the practice in the future.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The section is conscientious about ensuring that the board is composed to members who represent state agencies and members who typically practice against state agencies, to ensure a diversity of opinions and balance in programming/publications. The section also has a practice of hosting social receptions in coordination with mini-CLEs, so that members have the opportunity to network and meet socially while learning about the section. In December 2015, the section produced a mini-CLE on professionalism presented by a representative of Robert's Fund, an organization devoted to professionalism in the practice of law. The section remains committed to professionalism. The section leaders have noticed that some of the most engaging and useful conversations about the section and the profession happen during these informal gatherings, likely improving civil and professional relationships among practitioners.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We try to recruit attorneys for the section board and committees who have been practicing for a broad range of years, including attorneys who are planning for retirement and attorneys who have just begun their careers. We encourage all board and committee members—including new attorneys—to serve in all leadership positions, including as section officers and committee chairs. Our Young Lawyer Liaison is a voting member of the executive committee, and past Young Lawyer Liaisons have gone on to other leadership roles, including President. We also encourage our law student grantees to meet the board members by attending our annual retreat, where they can learn more about leading a section and take on any level of responsibility that is appropriate, including joining a committee or contributing to the section newsletter.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We regularly communicate with our section liaison, Eleen Trang, who responds quickly and either has the information we need or can direct us to the person who can help. The quality of service has been great. We also interacted with WSBA staff regarding legislation that pertains to administrative law. WSBA Programs Manager Shanthi Raghu assisted with putting on the Oregon Washington Administrative Law CLE. She was helpful in guiding the process to a successful completion.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Alternative Dispute Resolution</i>	
Chair:	<i>Joanna Roth</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	339
	Staff Lead:	Patrick Mead
	BOG Liaison:	Brain Tollefson
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$18,585.11
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$10,084.61
Purpose:	<p>Promoting the informed use and best practices of alternative dispute resolution processes by:</p> <ul style="list-style-type: none"> ▪ providing resources; ▪ educating members of the bar and the public; and ▪ addressing issues relating to the growth and development of alternative dispute resolution services in the State of Washington. 	
2019 Accomplishments and Work in Progress:	<p><u>Executive Committee</u> The Executive Committee met for its annual retreat November 15-16, 2019. We began by reviewing the goals and achievements for the past year, and created our priorities and goals for the 2019-2020 year.</p> <p><u>NW DR Conference Planning Committee</u> Each year, the WSBA ADR Section and University of Washington School of Law co-sponsor the Northwest Dispute Resolution</p>	

Conference. The 25th annual conference was held on March 28-29, 2019 on the UW Law School campus, and was attended by more than 300 attorneys and mediators. FY 2018-19 Section Vice Chair Mel Simburg made remarks at the evening reception in support of the Conference and the ADR Section.

As in prior years, members of the WSBA ADR Section provided leadership in planning and organizing this nationally recognized ADR conference. Four Executive Committee members serve on the conference planning committee. In addition, Executive Committee members were selected as presenters for the conference:

Craig Beles: A thought-provoking exploration of how bias and assumptions impact our professional and personal relationships; and A real-life case study exploring the precursors to unthinkable acts of incivility in the legal profession.

Roger Moss with colleagues: Ombuds, Coach, Mediator: Shapeshifting to Resolve Housing Conflicts Presenters: An immersive session in the dynamic, no rules, interdisciplinary, compassion-driven practices of Conflict Intervention Service, a groundbreaking program that prevents homelessness while showing participants how to create thriving tenant-landlord relationships.

Each year, the Section sponsors competitive scholarships to enable those with financial needs to attend the Conference at no cost.

Professional Development Committee

Executive Committee members participated in Open Sections Night in January. In March, the Section co-sponsored a CLE with the King County Bar Association at the WSBA offices on White Fragility: A Dialogue on How Mediators Can Better Handle Racial Issues. In October, the Section co-sponsored with KCBA a CLE on An Introduction to Liberating Structures - Unleashing the Power of Groups with a reception for 2019 mediation week.

Land Use & Environmental Mediation Committee

The Land Use & Environmental Mediation Committee continued to support the use of mediation in land use and environmental matters. The Committee worked with the Seattle Hearing Examiner to improve the use of mediation in Examiner cases, and it continues to provide information to the public on land use and environmental mediation on the Committee web page hosted by the WSBA.

Legislative Committee

The Legislative Committee actively monitors legislation and rules relating to the practice of ADR in Washington. We also promote

legislation and rules on policies endorsed by the ADR Section Executive Committee. During the past year we have continued to look at early mandatory mediation through legislation and rules, working with stakeholders, legislators, judges and practitioners at both a state and county level. We have continued to look at legislation requiring early mediation in family law cases concerning parenting. We looked at legislation in Washington modeled on the uniform family law arbitration act. We participated in the discussion within the WSBA Committee on Professional Ethics regarding their proposed Advisory Opinion to replace Advisory Opinion 2223 on the drafting of agreements by attorney-mediators.

Media & Communications Committee
 The Media & Communications Committee supported the Section’s mission by helping to publicize Section events and upcoming activities of interest to Section Members. Additionally, the webmaster added new Ning social platform members to grow the reach of the Section.

<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$4,500	Scholarships, donations, grants awarded
		Law school outreach events/benefits hosted
	2	Legislative bills reviewed/drafted
		Newsletters produced
	1	Mini-CLEs produced; participated in encore presentation of 2018 Arbitration CLE
	1	Co-sponsored half/day to multi-day CLEs with WSBA <i>Co-sponsored the 2-day 25th Annual Northwest Dispute Resolution Conference</i>
	1	Receptions/forums hosted; Offered a call-in event to discuss proposed Family Law Arbitration Act.
		Awards given
		New Lawyer Outreach events/benefits
	Other (please describe): <i>Co-sponsorship with KCBA of CLE entitled White Fragility: A Dialogue on How Mediators Can Better Handle Racial Issues; Co-sponsorship with KCBA of 2019 mediation</i>	

		<i>week CLE on An Introduction to Liberating Structures - Unleashing the Power of Groups.</i>
2020 Goals & Priorities (Top 5)	1	Support the continuation of the Northwest Dispute Resolution Conference
	2	Connect with Section members and ADR practitioners state-wide
	3	Connect and coordinate with other alternative dispute resolution organizations, including other Bar Associations, Dispute Resolution Centers and the Washington Mediation Association
	4	Reach out to law students and newer lawyers to provide information and mentoring on incorporating alternative dispute resolution practices (ex. mediation and arbitration)
	5	Act to fulfill mission by providing resources; educating members of the bar and the public; and addressing issues relating to the growth and development of alternative dispute resolution services in the State of Washington

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The ADR Executive Committee welcomes the participation of practitioners who bring a diverse perspective, whether it be based on age, gender, ethnicity, geography, or another factor. We have transitioned to holding monthly meetings by Zoom to facilitate increased participation outside the Seattle area.

As addressed later in the report, the Executive Committee continues to direct energy toward involving new/younger lawyers in the Section to foster age/practice experience diversity.

We recognize that we are an older section; the Executive Committee reached out to WSBA staff as we seek to increase diversity in age and experience within the section.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Our activities in the NW DR conference are aimed in part at increasing the use of respectful processes in dispute resolution. Additionally, the work of the Section to further the skills of knowledge of all practitioners—ADR professionals and advocates—supports constructive resolution of disputes in a manner that promotes civility and respectful discourse.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

As an Executive Committee, we frequently consider how we can reach out to support new/younger lawyers; this has been a formal topic of discussion at our annual retreat, is a part of the mission of our Professional Development Committee, and often comes up informally in Executive Committee meetings.

We consistently have numerous Executive Committee members attend the Open Sections night in an effort to connect with new and young lawyers.

We will be hosting events for young lawyers as part of our 2019-2020 programming.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The Section has been fortunate to receive excellent support from the WSBA Staff. There have been no issues in our involvement with the Board of Governors.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	Business Law Section	
Chair:	David Eckberg	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	1,324
	Staff Lead:	Eleen Trang
	BOG Liaison:	Paul Swegle
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$34,223.51
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$13,826.25
Purpose:	<p>The purpose of the Section is to benefit the members of the Section and their clients: (a) by encouraging research and study, and the development of best practices, in the area of business law in the State of Washington, and sharing these efforts through continuing legal education where possible and appropriate; (b) by participating in the development of state legislation and regulations in order to improve and facilitate the administration of justice in the area of business law; and (c) by undertaking such other services relating to the area of business law as may be of benefit to members of the Section, members of the Bar and the greater public.</p>	
2019 Accomplishments and Work in Progress:	<p><u>Legislation.</u> This year, Senate Bill 5003 was signed into law by Governor Jay Inslee. The law amended the WBCA with respect to shareholder preemptive rights to unissued shares of a corporation. In addition, the Business Law Section continued its tradition of strong legislative involvement, with the active review of dozens of proposed bills through the legislative session.</p>	

	<p>Additionally, the Section has been diligently working on a proposal for amendments to the WBCA for WSBA-request legislation for the 2020 legislative session.</p> <p><u>Programming.</u> The Section co-sponsored one of its two perennial programs to the securities-focused legal community – the “Meet the Regulators” securities event. It also co-sponsored a CLE with the ADR Section – “Best Practices in Drafting the ADR Clause.” The Section also participated in the Northwest Securities Institute.</p> <p><u>Bylaws and Structure.</u> There were no major changes to the Bylaws and Structure of the Section this year.</p>																							
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	<table border="1"> <thead> <tr> <th data-bbox="539 806 777 875">Quantity</th> <th data-bbox="777 806 1463 875">Member Benefit</th> </tr> </thead> <tbody> <tr> <td data-bbox="539 875 777 945">0</td> <td data-bbox="777 875 1463 945">Scholarships, donations, grants awarded</td> </tr> <tr> <td data-bbox="539 945 777 1014"></td> <td data-bbox="777 945 1463 1014">Law school outreach events/benefits hosted</td> </tr> <tr> <td data-bbox="539 1014 777 1083"></td> <td data-bbox="777 1014 1463 1083">Legislative bills reviewed/drafted</td> </tr> <tr> <td data-bbox="539 1083 777 1152">1 this year</td> <td data-bbox="777 1083 1463 1152">Newsletters produced</td> </tr> <tr> <td data-bbox="539 1152 777 1222"></td> <td data-bbox="777 1152 1463 1222">Mini-CLEs produced</td> </tr> <tr> <td data-bbox="539 1222 777 1291">2</td> <td data-bbox="777 1222 1463 1291">Co-sponsored half/day to multi-day CLEs with WSBA</td> </tr> <tr> <td data-bbox="539 1291 777 1360">0</td> <td data-bbox="777 1291 1463 1360">Receptions/forums hosted</td> </tr> <tr> <td data-bbox="539 1360 777 1598">1 - \$5,000 donation awarded to Wayfind</td> <td data-bbox="777 1360 1463 1598">Awards given</td> </tr> <tr> <td data-bbox="539 1598 777 1667">0</td> <td data-bbox="777 1598 1463 1667">New Lawyer Outreach events/benefits</td> </tr> <tr> <td data-bbox="539 1667 777 1738"></td> <td data-bbox="777 1667 1463 1738">Other (please describe):</td> </tr> </tbody> </table>	Quantity	Member Benefit	0	Scholarships, donations, grants awarded		Law school outreach events/benefits hosted		Legislative bills reviewed/drafted	1 this year	Newsletters produced		Mini-CLEs produced	2	Co-sponsored half/day to multi-day CLEs with WSBA	0	Receptions/forums hosted	1 - \$5,000 donation awarded to Wayfind	Awards given	0	New Lawyer Outreach events/benefits		Other (please describe):	
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<p>2020 Goals & Priorities (Top 5)</p>	1	Continue the Section’s strong tradition of legislative participation																						
	2	Improve upon programming initiatives of the past year, including the new format of the mid-year																						

		meeting and the collaborative programming with the Corporate Counsel Section
	3	Conduct two mini-CLE's for our membership
	4	Continue the publication of our semi-annual newsletter and improve the content and member benefit on our WSBA-hosted website
	5	Actively recruit more members to participate in the Section.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Even as compared to other segments of the legal profession, the business law bar is historically lacking in diversity. The Section has tried to be cognizant of this in the constitution of our executive committee. Women and racial and ethnic minorities currently represent almost 25% of our executive committee, which seems like a good starting point in a historically homogeneous bar, if only a starting point. We are actively soliciting minority bar associations for their involvement within the Business Law Section. We have also sought out opportunities to participate in business law-tailored events in the community that focus on the inclusion and participation of underrepresented segments of the business law bar. For example, the Section has sponsored events in the past through the McMahon Fund that serve the dual purpose of addressing business issues and targeting underrepresented groups. As a Section, we continue to look for opportunities of this sort.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Section seeks to promote professionalism among our members by growing the sense of community among them. Unfortunately, this past year we did not have any hosted or sponsored events due in part to logistics but we plan to continue with them in 2020 to help foster personal relationships among attorneys. We do not currently have any plans for an ethics-focused CLE program, but some portion of the mini-CLE's planned this year may include an ethics component.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Section has a policy drafted into its bylaws of including a Young Lawyer Liaison in our executive committee as a full voting member. We attend and participate in Open Sections nights to try to promote business law among new/young lawyers. Further, we have co-sponsored and participated in specific CLEs coordinated by the young lawyers' group that focus on business law issues in the practices of more junior lawyers. We firmly understand that the long-term health of our Section is dependent on succession planning and outreach to new and young lawyers.

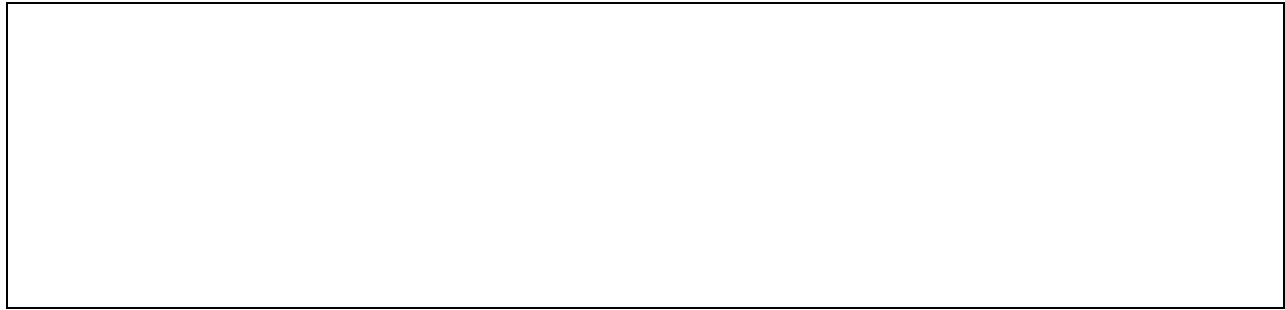
Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We believe the Section's relationship with the WSBA staff and governors has been fruitful. The WSBA staff has always been willing to help and provide assistance. We appreciate the lengths to which the WSBA staff always goes to acknowledge the contributions of the section leaders; we appreciate the WSBA leadership's willingness to consider questions of section support and autonomy; and we appreciate the WSBA's willingness to revisit the financial terms of CLE programming.

The Section Liaison position has stabilized this year with Eleen taking over this past year. She has been always available to assist in any way on behalf of our Section.



Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE B A R A S S O C I A T I O N

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	CREDITOR DEBTOR RIGHTS	
Chair:	Kevin D. O'Rourke	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	488
	Staff Lead:	Patrick Meade
	BOG Liaison:	Alec Stephens
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$14,656.16
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$5,781.85
Purpose:	<p>Provide continuing legal education programs on topics of interest to the section membership with the purpose of devoting revenue generated from said programs to debt related legal clinics or debt related education organizations;</p> <p>Provide communication amongst members of the section;</p> <p>Review and comment on proposed creditor-debtor legislation.</p>	
2019 Accomplishments and Work in Progress:	<ol style="list-style-type: none"> 1) Provide grant funding of \$5,000.00 to various low income legal clinics across Washington; 2) Provide quality CLE programs, including co-sponsorship of the annual Northwest Bankruptcy Institute (NWBI); 3) Review and comment on proposed creditor-debtor related legislation referred to section executive committee by the WSBA lobbyist; 4) Publication of the section's semi-annual newsletter; and 5) Maintain active discussions amongst section members via the section's list serve. Expansion Proposal 	

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$5,000	Scholarships, donations, grants awarded
	0	Law school outreach events/benefits hosted
	numerous	Legislative bills reviewed/drafted
	1	Newsletters produced
	0	Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	0	Receptions/forums hosted
	0	Awards given
	1	New Lawyer Outreach events/benefits
	1	Other (please describe):
<p>2020 Goals & Priorities (Top 5)</p>	1	Continue high quality legal education seminar presentations.
	2	Continue grant programs that provide low income persons access to creditor debtor related legal assistance.
	3	Review and comment when appropriate on proposed creditor-debtor related legislation.
	4	Publication of semi-annual section newsletter.
	5	Improve and continue list serve discussions amongst section membership.
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p>		

The Creditor Debtor Section's Executive Committee is aware of the need to be inclusive in all our activities. We are inherently diverse in that some of us represent creditors, some of us represent debtors, and others represent both. As lawyers, our primary objective is to address the substantive areas of the law and substantive legal problems facing our clients. As lawyers, it is our nature to judge others on the basis of their behavior and not on their race, color, creed or other inappropriate criteria. What is more difficult to discern and avoid are the more subtle forms of discriminatory habits we have developed over our lives which can result in implicit bias. We strive to take positive steps to deal with those issues and the Section welcomes any member of the Bar that is interested in a substantive area of practice that we are involved with. We also strive to embrace the cultural differences that make interaction amongst us more interesting. The Section has not utilized the services of the WSBA Diversity Specialist and have not had any contact with or from that person. The Executive Committee continues to keep its focus on the issues of diversity and inclusion, together with the issue of avoiding inappropriate discrimination in our activities.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Professionalism is an issue that is addressed regularly in the Continuing Legal Education seminars we sponsor and co-sponsor. Our efforts in this area are ongoing and will continue. It is apparent to most lawyers practicing in the creditor-debtor area that a high degree of professionalism is in their economic best interest as those practicing in this area will encounter other section members on a regular basis throughout the course of their practice.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

- 1) The Section receives excellent support from the Bar staff.
- 2) Board of Governors: The Section has not been directly involved with the Board of Governors, but welcomes its relationship with our assigned BOG liaison.
- 3) Ideas: In light of the issues raised in connection with Sections workgroup during the past year, it is our hope that the BOG will include Section executive committee members in their efforts to address issues that arise and which affect the Sections. The Section members and their respective executive committees are some of the best supporters of the WSBA and should be viewed by the BOG and the WSBA staff as resources that benefit the WSBA as a whole.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

- 1) The Section receives excellent support from the Bar staff.
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Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Civil Rights Law Section</i>	
Chair:	<i>Molly Matter, Chair (2019/2020) ; Sarah Derry; Past-Chair (2018/2019)</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	186
	Staff Lead:	Eleen Trang
	BOG Liaison:	Alec Stephens
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$7,921.14
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$2,529.76
Purpose:	<p>The mission of the Civil Rights Law Section (CRLS) is to educate and advocate for civil liberties and equal rights in the context of the legal issues of Washington State residents. The Section focuses on civil rights issues including forms of racial, ethnic, religious, gender, national origin and sexual-orientation discrimination, and persons with mental or physical disabilities, the socio-economically marginalized, and those experiencing homelessness. The section also focuses on issues involving civil liberties including freedom of speech, freedom from state-promulgated religion, and privacy rights. Lawyers who practice in any of these areas of law, or persons who are interested in public policy or these topics, are encouraged to join the Civil Rights Law Section.</p>	
2019 Accomplishments and Work in Progress:	<p style="text-align: center;">1. Mini-CLE: <i>The battle between Free Speech and Hate Speech</i> (2 credits)</p>	

2. **Half-Day CLE:** *Examining and Undoing the Power and Privilege of Practice* - training on impact of implicit bias individually and structurally; examining implicit bias in civil rights context; applying mindfulness techniques to reclaim health and wellness (3 credits)
3. **Half-Day CLE:** *Hot Topics in Civil Rights Enforcement – The Role of State and Federal Agencies in Protecting Civil Rights*
4. Section wrote a letter in response to request for comments regarding the bifurcation of the WSBA stating **Maintaining Integration of Equity, Inclusion and Diversity trainings within WSBA regardless of its structure.** Letters were emailed to the Washington State Supreme Court Justice Fairhurst and the Workgroup on WSBA Structure found [here](#).
5. Educated Civil Rights Section members via listserv on volunteer opportunities regarding family separation, immigration, children’s rights and detention center work
6. Open Sections Night- recruiting new members
7. Began conversations regarding POC youth mentorship program on WSBA Sections beginning with the Civil Rights Law Section as pilot project – networking with local community organizations that serve youth of color
8. Members of Executive Committee collaborated with World Peace Section and presented at CLE regarding human rights domestically and internationally
9. The Section took positions on the following four pieces of civil rights legislation and monitored 23 bills:
 - a. **Letter of Support re HB 1041** - New Hope Act advancing successful reentry and Certificate of Discharge for formerly incarcerated
 - b. **Letter of Support re Bill HB 1339** – Native American Voting Rights Act to require ballot drop boxes on reservations, allow Tribal ID for

	<p>voter registration, and allow voters to receive their ballots at non-traditional homes on the reservation</p> <p>c. Letter of Support re Bill S. 5165, – a bill concerning discrimination based on citizenship or immigration status to include immigrants and noncitizens protection under Washington Law Against Discrimination</p> <p>d. Letter of Support re Bill 1924 – a bill regarding voting rights restoration to former felons and successful reentry services</p>																							
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	<table border="1"> <thead> <tr> <th data-bbox="539 646 695 716">Quantity</th> <th data-bbox="695 646 1463 716">Member Benefit</th> </tr> </thead> <tbody> <tr> <td data-bbox="539 716 695 785">\$500</td> <td data-bbox="695 716 1463 785">Scholarships, donations, grants awarded</td> </tr> <tr> <td data-bbox="539 785 695 863"></td> <td data-bbox="695 785 1463 863">Law school outreach events/benefits hosted</td> </tr> <tr> <td data-bbox="539 863 695 932">27/4</td> <td data-bbox="695 863 1463 932">Legislative bills reviewed/drafted letters of support</td> </tr> <tr> <td data-bbox="539 932 695 1001">1</td> <td data-bbox="695 932 1463 1001">Newsletters produced</td> </tr> <tr> <td data-bbox="539 1001 695 1071">1</td> <td data-bbox="695 1001 1463 1071">Mini-CLEs produced</td> </tr> <tr> <td data-bbox="539 1071 695 1140">2</td> <td data-bbox="695 1071 1463 1140">Co-sponsored half/day to multi-day CLEs with WSBA</td> </tr> <tr> <td data-bbox="539 1140 695 1209">2</td> <td data-bbox="695 1140 1463 1209">Receptions/forums hosted</td> </tr> <tr> <td data-bbox="539 1209 695 1278"></td> <td data-bbox="695 1209 1463 1278">Awards given</td> </tr> <tr> <td data-bbox="539 1278 695 1348"></td> <td data-bbox="695 1278 1463 1348">New Lawyer Outreach events/benefits</td> </tr> <tr> <td data-bbox="539 1348 695 1493"></td> <td data-bbox="695 1348 1463 1493">Other (please describe):</td> </tr> </tbody> </table>	Quantity	Member Benefit	\$500	Scholarships, donations, grants awarded		Law school outreach events/benefits hosted	27/4	Legislative bills reviewed/drafted letters of support	1	Newsletters produced	1	Mini-CLEs produced	2	Co-sponsored half/day to multi-day CLEs with WSBA	2	Receptions/forums hosted		Awards given		New Lawyer Outreach events/benefits		Other (please describe):	
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<p>2020 Goals & Priorities (Top 5)</p>	<p>1</p>	<p>Advocate for civil rights, equity, diversity and inclusion issues to the BOG and within WSBA, including development of a youth mentorship pilot program to bring historically underrepresenting communities into the WSBA and strengthen future leadership capacity</p>																						
	<p>2</p>	<p>Provide continuing legal education opportunities for our members in the area of civil rights at least once annually</p>																						

	3	Create opportunities for interaction between young/new lawyers and experienced civil rights lawyers through mixers, YLL activities, and mentorships
	4	Increase general membership participation in monthly Section meetings with increased communication about the meetings via listserv and website
	5	Educate our membership on local and national civil rights matters via newsletters, listserv, and volunteer opportunities

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Our Section organized a CLE specifically on implicit bias and the power and privilege of practice itself: how we individually and structurally perpetuate or dismantle historical oppression within the legal field. We hired trainers from JustLead to facilitate and a woman of color former prosecutor to instruct participants on mindfulness techniques in order to build racial equity awareness and promote self-care. Creating a culture of belonging and inclusion requires building authentic trusting relationships with one another and our Section recognizes that this takes time and commitment. Our Section recruited more women of color into the Executive Committee as well as lawyers with diverse economic, cultural and language backgrounds. Also, the Civil Rights Law Section was the only Section of the WSBA to voice the importance of Equity, Diversity and Inclusion training and programming as core principles of legal practice (upheld by our code of ethics) to the WSBA Structures Work Group and to the State Supreme Court regarding future work on whether to bifurcate the WSBA.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Please see previous answer as this Section’s addresses professionalism through the ethics of equity, inclusion, mutual-respect and diversity: how we practice among one another, how we practice with our clients, within public and private spheres and within the courtroom. Unprofessional behavior stems from greed, competition unchecked entitlement and white privilege.

The Section also hired a professional mindfulness trainer/dharma practitioner/former prosecutor to engage CLE participants in understanding civility and the root causes and conditions of unprofessionalism: unchecked stress and the mental and physical health impacts of chronic (persistent low-grade) stress on the body.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

- A Young lawyer is chairing the Section for 2019/2020, past Chair began her service on the Civil Rights Law Section as a young lawyer liaison and current Chair Elect is a young lawyer.
- A young lawyer liaison has joined the Section this year, serving October 1, 2019-September 31, 2021.
- Kathleen Kline, current member of the Executive Committee, began her service on the committee as a young lawyer liaison.
- Our Young Lawyer Liaison is a voting member of our Executive Committee.
- We have solicited young lawyers to participate in our Executive Committee meetings.
- We have provided information about employment, training, and leadership opportunities on our listserv.
- We held networking receptions after our CLEs to encourage young/new lawyers to interact with more experienced lawyers.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

We are incredibly appreciative of the support we receive from WSBA staff and Eleen Trang in particular. She is prompt, responsive, and thoroughly professional. She keeps us on track, within deadlines, and plays a major role in our ongoing education about running the section.

We are delighted to have Alec Stephens as our BOG liaison. His continued participation in our Section is appreciated and we are always grateful for his guidance. He has kept us up to date on developments at the BOG that are of particular concern to our small section.

One dynamic that became visible this past year was the WSBA's restructuring of how it profits and funds CLEs. The decision to restructure its funding and profit model directly impacted small sections such as our own. We urge the WSBA to

correspond and invite participation from small sections in future decisions that will directly impact small sections.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Construction Law Section</i>	
Chair:	<i>Amber Hardwick</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	519
	Staff Lead:	Eleen Trang
	BOG Liaison:	Kyle Sciuchetti
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$29,102.93
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$15,328.54
Purpose:	See Bylaws.	
2019 Accomplishments and Work in Progress:	<p>ANNUAL MID-YEAR CLE EVENT The Construction Law Section’s annual mid-year CLE was held on June 7, 2019 with the team of Construction Law Doctrines, entitled: "Construction Doctrines: Is There a Doctrine in the House". It was well-attended with 74 registered attorneys from around the state attending in person and electronically. The all-day program offered 6.75 CLE credits (including 1.0 ethics credit). This year, in order to reduce the overhead associated with conducting these CLE’s, the Construction Law Section accepted Lane Powell’s offer to host the event and McMillen Jacobs Associates’ offer to sponsor the post-seminar social hour. The outcome was positive and the Section benefited financially with a profit of \$13,921.55.</p> <p>FALL FORUM The Construction Law Section also sponsored a Fall Forum on November 1, 2018, at the newly-constructed Amazon Spheres with the theme of “Amazon Biospheres – a Construction Attorney’s Guide.” NBBJ presenters, John Savo and Dale Alberda, gave construction lawyers an inside perspective on the challenges associated with developing an unorthodox work space in a</p>	

botanical garden in the center of Amazon’s campus, including insight into the new design technologies and special considerations impacting the three-block development. Structural engineer Jay Taylor of MKA Engineers described some challenges associated with the structurally unique domes. Amazon’s own Senior Manager of Horticultural Services, Ron Gagliardo, concluded the presentation with a discussion on the plants from 50 countries housed in the biosphere.

Generally, the Amazon Spheres are only accessible to Amazonians. Occasionally, the Spheres open to the public for guided tours through the 40,000 plants from 700 species. It was a well-attended event, with 75 members of the Construction Law Section attending and received great feedback. Catering and refreshments were sponsored by FTI Consulting, a forensic and litigation consulting company.

WINTER FORUM

The Construction Law Section has been offering a winter forum at Cutters Crabhouse for several years. The event is always well-attended and 2019 was no exception. In March 2019, the presentation centered on “Practical FHA-ADA-Code Accessibility for Construction Attorneys” and the speaker was Bill Endelman at Endleman Associates. The event offered 1.0 CLE credits. Approximately __ section members attended the event and dinner.

TRAVELING CLE

In recognition of our Section Members around the state, the Construction Law Section has successfully collaborated with local bar associations to produce a CLE outside of the King/Pierce/Snohomish area. On March 22, 2019, the Construction Law Section and Spokane County Bar Association presented a CLE for 6.5 CLE credits and 1.0 Ethics credits. The proceeds of the event, as well as the cost, went to the local bar association. Approximately __ section members attended the event.

OPEN SECTION NIGHT

The Construction Law Section continued its participation in the Open Section Night event designed by the WSBA to introduce new lawyers to the various Sections.

DESKBOOK PUBLICATION

The Construction Law Section published a Construction Law Deskbook which is available for purchase on the WSBA website. All proceeds from the Deskbook go to the WSBA and the writers and editors all volunteered their time to the effort.

Please quantify your section’s current member benefits:

For example:

- \$3000 Scholarships,

Quantity	Member Benefit
2	Scholarships, donations, grants awarded
2	Law school outreach events/benefits hosted
0	Legislative bills reviewed/drafted
2	Newsletters produced

<i>donations, grants awarded;</i> <ul style="list-style-type: none"> • 4 mini-CLEs produced 	1	Mini-CLEs produced
	0	Co-sponsored half/day to multi-day CLEs with WSBA
	3	Receptions/forums hosted
	1	Awards given
	1	New Lawyer Outreach events/benefits
	1	Other (please describe): section-member only access to WSBA Construction Section contracts (in Word) and construction jury instructions
2020 Goals & Priorities (Top 5)	1	Fostering Emerging Leaders. This year represents a number of new faces on the Executive Council and that is exciting. One of the section’s goals is to embrace new leaders from among the Construction Law Section members by inviting new speakers at CLEs and delegating many of the administrative responsibilities to new members of the executive council.
	2	Better Outreach. The Section’s newsletter is an important means of keeping Section Members informed of developments in our practice area. Reaching out in new ways to the diverse attorneys and areas of practice around the state remains an important goal.
	3	Enhancing Collegiality Among Construction Lawyers. One of the Section’s goals is to offer Washington’s construction lawyers an opportunity to engage in non-adversarial ways with other construction lawyers with the goal of elevating the entire practice.
	4	New Members and Young Lawyer Engagement. One of the Section’s goals embraces new and young lawyers. We have a WSBA Young Lawyer Liaison and an award we offer to law students to encourage participation in the Section.
	5	Embracing Technology. One of the Section’s goals is to embrace new technologies and ways of communicating with our Section Members to enhance engagement.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Construction Law Section has and continues to engage lawyers from a diverse background. We are proud to have several members of the executive council who are women, people of color and under the age of forty/over the age of 60. This contributes to better decision-making and a culture of inclusion. Through an offsite dinner, we are encouraging new leaders to engage with the more experienced leaders of the Section and through scholarship/awards targeted at law school students we encourage young lawyer participation in the section.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Construction Law Section sponsors several events with social elements designed to allow its members to engage in a non-adversarial environment.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

See above. In brief, through Open Section Night events, law school student awards and outreach.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We have a good working relationship with Eleen Trang, the Section Liaison. She has been invited to the offsite event to expand her visibility among the executive council and she regularly attends our monthly meetings by telephone.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Criminal Law Section</i>	
Chair:	<i>C. Dale Slack, Columbia County Prosecuting Attorney</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	428
	Staff Lead:	Patrick Mead
	BOG Liaison:	Kim Hunter
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$13,639.17
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$2,294.67
Purpose:	<p>From the Criminal Law Section bylaws: <i>The purpose of the Section shall be to seek the participation of interested members of the Bar including prosecutors, defense counsel, law professors, and law enforcement professionals in order to benefit such members, their clients and the general public:</i></p> <ul style="list-style-type: none"> <i>(a.)By providing the opportunity and forum for the interchange of ideas in the areas of criminal law and procedure, including corrections, penology, juvenile offenses, and the criminal justice system generally;</i> <i>(b.)By initiating and implementing common projects;</i> <i>(c.)By review of pending legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section’s area of interest;</i> <i>(d.)By undertaking such other service as may be of benefit to the members, the legal profession and the public.</i> <p><i>In order to facilitate the purpose of this Section, participation in the Section by members of the Bar who are</i></p>	

	<i>engaged in prosecution and defense shall be encouraged.</i>	
2019 Accomplishments and Work in Progress:	<ul style="list-style-type: none"> • Excellent attendance and perpetuation by video recording of the 2019 Annual Criminal Justice Institute, a two-day CLE program for all practitioners of criminal law, both prosecution and defense. • Recruitment visits for new lawyers at Washington law schools. • Caselaw update notebook compiled by an esteemed jurist distributed to membership. • 	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$3000	Scholarships, donations, grants awarded
	5	Law school outreach events/benefits hosted
	UNK	Legislative bills reviewed/drafted
	0	Newsletters produced
	1	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	1	Receptions/forums hosted
	0	Awards given
	5	New Lawyer Outreach events/benefits
		Other (please describe):
2020 Goals & Priorities (Top 5)	1	Continue to produce high-quality member benefit CLEs, including a mini-CLE and the Criminal Justice Institute
	2	Establish additional education opportunities in criminal law for students, young lawyers, and jurists
	3	Increase communication and openness with member attorneys and ensure value-for-money is provided

		through feedback.
	4	Strengthen the young lawyer mentorship program
	5	Establish awards and a reception to foster excellence and professionalism within the criminal law practice in Washington

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The criminal law bar is one of the most diverse in Washington, and our section reflects that diversity in membership and in the makeup of the Executive Committee. We will endeavor this year to include additional diversity and awareness education in our CLE programs, and in the potential for awards, and will seek cooperation with other sections to foster and encourage attorneys from all backgrounds to join the practice of criminal law and help it thrive in Washington.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

As an organization that is made up of defense, victims’, and prosecuting attorneys, it is a cornerstone of our organization to bring together adversaries in the common good of criminal justice education and fellowship. Our events are designed with all sides in mind, and we always endeavor to bring both sides to the table in mutual respect and bridge-building. We will continue to work with these ideals as our foundation.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Our section makes numerous visits and presentations at Washington law schools and makes a real effort to include new and young attorneys in our scholarship program for the Criminal Justice Institute each year. This year, we hope to include an expanded “new lawyer track” to CJI, and make sure that new lawyers can feel comfortable participating in training without discomfort or embarrassment based on limited practice experience, while also increasing their skills and education.

We have a young lawyer liaison member of the board who has participated and been a welcome addition to our executive board meetings.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

2018-2019 were difficult years for many attorneys as uncertainty about the future of the WSBA was an issue. Throughout the experience, the WSBA liaisons and support staff have been patient, friendly even in the face of our frustrations about the uncertainty, and have provided support and information to us to make us all feel like we are important to the Bar and a real partner in the advancement of the practice of law. Paris Erickson has answered member questions cheerfully and honestly and provided help in event planning and other work of the Section; Patrick Mead has been a great source of help for on-the-ground event organization and section work.

We will continue to be glad partners with the WSBA governance in the advancement of our profession and our area of law. We all feel comfortable bringing our concerns and frustrations to our staff members and our BOG liaison, and this will not change.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE B A R A S S O C I A T I O N

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Elder Law</i>	
Chair:	<i>Karen Boxx</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	645
	Staff Lead:	Eleen Trang
	BOG Liaison:	Sunitha Anjilvel
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$23,404.87
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$2,514.93
Purpose:	<p>The practice of elder law focuses on an array of legal issues particularly important to older people but important to many others as well. They include issues relating to retirement and estate planning, to powers of attorney, guardianship and other forms of substitute decision making, to private and public long-term care and other healthcare financing and to abuse of vulnerable individuals, among other issues.</p> <p>The Elder Law Section offers opportunities for education and consultation on issues relevant to elder law practice. Occasional seminars are complemented by the Section's active list serve — an ongoing conversation among members, responding to questions and sharing insights. The Section also offers opportunities for serious exploration of systemic problems identified by members and for policy advocacy on issues relating to the administration of justice.</p>	
2019 Accomplishments and Work in Progress:	The Elder Law Section is proud to support the Peter Greenfield Senior Advocacy Summer Internship formerly with Columbia Legal Services but transitioning to Northwest Justice Project. The Peter	

Greenfield Senior Advocacy Summer Internship supports a summer internship each year, rotating students from each of Washington’s three law schools. Interns provide advocacy and research that supports the systems reform that was the hallmark of Peter Greenfield’s work, while learning the broader themes of elder law.

In addition, the Section provides an annual donation (\$15,000 in FY 2017) to the WSBA Legal Foundation of Washington to be used solely for the benefit of Northwest Justice Project in the area of elder law services and advocacy for low-income seniors.

Executive Committee of the Elder Law Section continue to be highly engaged in the legislative process concerning elder law issues.

Again this year, members of the Section’s Executive Committee were invited to attend the annual meeting of the Superior Court Judges Guardianship and Probate Committee. That meeting took place on October 12, 2019.

<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$15,000	Scholarships, donations, grants awarded
		Law school outreach events/benefits hosted
	Many	Legislative bills reviewed/drafted
		Newsletters produced
		Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
		Awards given
	1	New Lawyer Outreach events/benefits
	Other (please describe):	
<p>2020 Goals & Priorities (Top 5)</p>	1	Continue to monitor and take positions (as necessary) on legislation affecting elder law.
	2	Provide two CLE Programs.

	3	Continue to support members through list serve and website updates.
	4	Continue to promote and support the Peter Greenfield Internship program with Northwest Justice and the state's three law schools
	5	Provide social, mentoring and networking opportunities for members through events and gatherings.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Section is working with the WSBA and internally to increase diversity on the Executive Committee, the Elder Law Section, and on CLE Presentations.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Elder Law Section encourages civility, collegiality, and professionalism in its membership and actively promotes these principles in Section sponsored educational and networking opportunities, as well as on our listserv.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Section Mentorship and Outreach committee is tasked with developing new ways to reach out to young lawyers. The Section hosts two outreach events each year, in which young lawyers have an opportunity to discuss the practice area of Elder Law with other section members. Every Young Lawyer Liaison has graduated to an appointed or elected position on the Committee.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Eleen Trang has been an invaluable liaison and support for our section. We look forward to the BOG's revisions to the bylaws to facilitate our participation in the legislative process in Olympia.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	Environmental and Land Use Law Section (ELUL)	
Chair:	Elizabeth A. Tellessen	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	813
	Staff Lead:	Eleen Trang
	BOG Liaison:	Dan Clark
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$30,425.92
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$15,425.49
Purpose:	<p>The ELUL Section is a formal association of attorneys, other professionals, and law students who share a common focus and interest in the practice of environmental and land use law. Our Section represents a diverse membership with individuals who are often on different sides of an issue, but who are all committed to civil and professional cooperation for the protection and enhancement of our communities. Accordingly, our Section endeavors to continually and regularly provide opportunities and forums for the interchange of ideas surrounding environmental and land use law.</p>	
2019 Accomplishments and Work in Progress:	<p>ELUL's main event is the three-day Midyear Conference and Membership Meeting held each spring. In 2019, this conference was held at Alderbrook Resort. Topics included case law and legislative updates by individuals working in those fields, environmental hot topics, and insights into practical aspects of land use law in Washington. Each year we also have a high-level keynote speaker, and this year we were thankful to have Attorney General,</p>	

Bob Ferguson.

In December, we hold our annual mini-CLE on ethics. While other mini-CLEs were not held this year, we are looking into providing more opportunities as webcast(s) that will be available beyond the initial conference date.

This year the Section has undertaken an effort to produce a more user friendly on-line newsletter, which is anticipated to be circulated in the coming weeks. The goal for our newsletter is to make it smaller, with articles that may be disseminated and accessed through social media.

We have also continued to provide legislative updates this past legislative session with targeted environmental and land use bill information sent to members by the list-serve so members can keep up with the ever-changing legislative sessions. Given the diversity of membership, the Section does not take positions on any particular bill.

Finally, for our soon-to-be and young lawyers, we continued our annual networking receptions in both Seattle and Spokane – coordinated with the law schools – and were deeply appreciative of the number of practicing attorneys who took time out of their busy schedules to network and encourage those new to the field. We were also graciously joined in the sponsorship of these events by the Environmental and Land Use Section of the King County Bar Association and the ABA Section of Environment, Energy, and Resources. These activities go hand-in-hand with our highly successful grant program that awards funds to students who participate in activities that further their interest and commitment to the practice of environmental or land use law.

<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	2	Scholarships, donations, grants awarded
	2	\$1,000 Law student Grants Scholarships for Mid-Year CLE Registration
	1 Event	Law school outreach events/benefits hosted
	Numerous	Legislative bills reviewed
	1	Newsletters produced
1	Mini-CLEs produced	

	1	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
	3	Awards given to departing board members
	1	New Lawyer Outreach events/benefits
		Other (please describe): Adopted a new ELUL Logo
2020 Goals & Priorities (Top 5)	1	Endeavor to increase diversity in the section in terms of individual attributes, practice areas, and geographic location, among others.
	2	Continue efforts to circulate a useable and informative newsletter.
	3	Maintain fiscal and financial responsibility, which will allow continued development of programming as well as additional outreach and grants.
	4	Promote networking of ELUL attorneys and further engagement of attorneys entering our area of practice.
	5	

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The ELUL executive committee has received training from the WSBA Diversity Specialist and reviewed and discussed the common misperceptions and barriers regarding achieving diversity and how to overcome them. Based on numbers provided by the Bar, the Section is improving; however, we acknowledge there is always more that could be done. Currently, we actively solicit from multiple minority groups to participate in the slate of candidates for election to the Committee and for mid-year co-chairs and speakers. We have also contacted minority student law associations to garner interest in joining our yearly student-professional social events. We also evaluate venues for barrier free accessibility, and changed the location of our law student-professional social in an effort to increase accessibility.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The ELUL Section has historically been an association of members with diverse backgrounds and opposing interests on any particular topic. Accordingly, civility and professionalism have long been part of our core moral compass. Our networking events strive to engage members in a fun and casual manner so that the person behind the client is known, as this often douses the

flames of disagreement. Our educational events also frequently include a “view from the bench” to provide practitioners with insight of what our court and administrative judges need and wish to see to effect justice.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The ELUL Section has, in recent years, more actively involved our young lawyer liaison and so has received valuable insight as to how to better engage law students and new lawyers into the fields of environmental and land use law. The Section also has seen success in providing grants to each law school and co-sponsoring networking events with students and practitioners. Not only does this expose students to the field, but it promotes involvement by attorneys and furthers civility and professionalism by creating an environment of inclusion and open communication.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA staff turnover has been a continuity concern for our committee, though we have established good working relationships and appreciated the role served by each sections liaison and BOG liaison assigned to our section. There has been difficulties with the changes in the WSBA personnel responsible for coordinating and planning midyear seminars in the past few years. Although we have greatly valued our good working relationship with Kevin Plachy.

Overall, we remain concerned and continue to try to monitor communications between the Board of Governors and the various sections. It is not always clear, however, what is going on at the larger policy level. A more thoughtful approach and coordination with regard to sections would be helpful to institute and maintain, in general. Although there was an effort to have sections represented through the bar structure workgroup, it did not appear those contributions were valued. Fundamentally, the Bar should appreciate that sections are a vital part of the WSBA, which directly serve its members, but administered by volunteers.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	Family Law	
Chair:	Nancy Koptur	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	1,060
	Staff Lead:	Eleen Trang
	BOG Liaison:	Brian Tollefson
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$40,138.33
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$27,150.48
Purpose:	<p>The purpose of the Family Law Section is to improve the practice of family law in Washington and to involve all interested members of the WSBA in cooperation with state and local bar associations in order to benefit its members, their clients, and the general public by:</p> <ul style="list-style-type: none"> • Providing the opportunity and forum for the interchange of ideas in all areas of law affecting families and juveniles; • Initiating and implementing common projects, including but not limited to an annual meeting; • Reviewing pending legislation, providing input and timely responses to pending and proposed legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section’s area of interest and expertise; • Hosting CLEs to improve the quality of family law practice; and • Undertaking such other service as may be of benefit to the members, the legal profession, and the public. 	

<p>2019 Accomplishments and Work in Progress:</p>	<p>Legislation: FLEC has been rebuilding our relationship with legislators, which was damaged due to prior WSBA/BOG policies regarding section participation in the legislative process. We are encouraged by our work with Sanjay Walkevar and his staff: we have a renewed emphasis on reviewing pending legislation and providing input to WSBA and stakeholders as appropriate. FLEC members have participated in meetings with legislators and other stakeholders during the interim, discussing proposed legislation for the 2020 session and beyond.</p> <p>Board of Governors: The Family Law Section’s BOG liaison attends most if not all BOG meetings. We are working well with the current Board of Governors and have established open and healthy lines of communication to address questions posed by the Section.</p> <p>Workgroups: As required under RCW 26.19.025, FLEC had a representative on the 2019 Washington State Child Support Schedule Workgroup. Our initial representative was Ann Farnsworth; when she had to resign due to health issues, she was replaced by Christy Carpenter.</p> <p>Midyear CLE: The 2019 Family Law Section Midyear, held in Spokane in June, was a success. We have also seen an increase in Section CLE income with the “new” process for selling videos of individual CLE sessions. With the assistance of WSBA CLE staff, FLEC is once again able to map out several years’ worth of midyear CLE locations instead of being able to plan only one year ahead.</p>																							
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		<p>maintains:</p> <ul style="list-style-type: none"> • A listserv for Section members to discuss legal issues and procedures; • A listserv for Section members to discuss law practice issues (software, billing, hiring)
<p>2020 Goals & Priorities (Top 5)</p>	<p>1</p>	<p>Continue providing quality CLEs. Each year the Family Law Section puts on three Continuing Legal Education (CLE) seminars:</p> <ul style="list-style-type: none"> • In April, we have our 2-day Skills Training Seminar for new lawyers or lawyers new to family law. This training, including members of the local bench, consists of a day of “classroom training” on Friday and a day with role-playing, usually motion arguments (in front of actual judges and commissioners) on Saturday. In 2019, Skills Training was in Kennewick/Richland. We hosted a Friday evening reception for those who attended the training. • Each June, we have our Family Law Midyear, which begins mid-day on Friday and lasts til Sunday afternoon. The 2019 Midyear was in Spokane. In 2020, it will be in Vancouver; we are considering Wenatchee for 2021. • Each December, we host a single-day Fall CLE. This year’s seminar is on December 6th, with in-person and online participation available. The topic is <i>The Intersection of Family Law and Criminal Law</i>.
	<p>2</p>	<p>Review, comment on and testify about family-law-related legislation. The Family Law Executive Committee (FLEC) works with the Board of Governors and WSBA to provide feedback to improve proposed and current legislation. This year, we were invited to, and attended and participated in, several legislator-held meetings during the 2019 interim to discuss improvements to the Uniform Guardianship Act (2SSB 5604, Chapter 437, Laws of 2019) as well as the proposed Uniform Family Law Arbitration Act.</p>
	<p>3</p>	<p>Emphasis on Equity, Diversity and Inclusion. In recruiting applications for FLEC membership, we have emphasized the need for diversity on the Executive Committee. In addition, we are working to ensure that our future CLEs appropriately reflect and accommodate our diverse membership.</p>

	4	Continue to strengthen our relationship with the WSBA Board of Governors (BOG). Over the past several years, FLEC has worked on improving our relationship with the BOG and we hope to continue fostering our connection.
	5	Emphasize Public Service. We recognize there is a gap for low-income families needing family law assistance. There are volunteer legal clinics throughout the state that provide services to those underserved communities. Those clinics’ survival is rooted in the active participation of local lawyers, which we seek to encourage. We have been partnering with local volunteer legal services providers in our Skills Training, which helps build state-wide relationships.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

As Chair, I have asked FLEC members to review the WSBA tools regarding diversity in preparation for the January 2020 meeting.

We are hoping to invite the WSBA Diversity Specialist to attend a FLEC meeting, or at least to consult with that person regarding diversity training for FLEC members.

In addition, we are working to ensure that our future CLEs appropriately reflect and accommodate our diverse membership.

We also are planning to include a session on diversity in a future Family Law Midyear, either 2020 or 2021. This way we can reach out not only to FLEC, but to our membership, and openly promote equitable conditions for bar members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession – including joining the Family Law Section.

In recruiting applications for FLEC membership, we have emphasized the need for diversity. Our 2019 email soliciting volunteers stated:

All sorts of people become family lawyers, so when we talk about diversity, we mean every kind of diversity. FLEC members have a wide range of opinions and arguments, but that’s not enough. If you haven’t felt that there is a “me equivalent” on the Family Law Executive Committee, maybe that’s a sign that we need you on FLEC! We are not going to ask questions (or make judgments) about your sexual orientation, race, national origin, religion, political affiliation, disabilities, or your membership in other traditionally unrepresented and underrepresented communities. We ask you to take a moment or two and think about what you can bring to the table beyond your keen legal mind.

Finally, we really want to expand geographic diversity. The Executive Committee tends to be dominated by members who live or practice either along the I-5 corridor or in Spokane County. Other counties are often unrepresented and/or underrepresented. We are looking for you if you are in Snohomish, Asotin, Garfield, Columbia, Benton-Franklin, Adams, Lincoln, Grant, Douglas, Okanogan, Pacific, Wahkiakum, Stevens, and Pend Oreille Counties, just to name a few!

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Each November, FLEC attends a joint meeting with the Family and Juvenile Law Subcommittee of the Superior Court Judges’ Association. This meeting provides an opportunity for Family and Juvenile Court judicial officers and family law practitioners to share ideas and concerns in an

informal setting. Discussions span the gamut of professionalism, forms, court appearances, consistency, dealing with pro se litigants, and all sorts of issues facing family law professionals. We believe that this leads to increased understanding and respect between the judiciary and practitioners.

We regularly include professionalism and ethics issues in our CLE presentations and especially in the Skills Training, to keep our membership current on evolving issues.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

- FLEC recruits members of diverse background, including age or length of time in the profession. We encourage lawyers of all ages to participate in section leadership.
- As discussed above, the Section maintains two listservs, which provides a safe forum for practitioners to seek advice or information from other lawyers – this has been a wonderful way of building community. Our general listserv is for Section members to discuss legal issues and procedures; our second listserv is for Section members to discuss issues involved in the business side of a law practice.
- The section provides an annual Skills Training aimed at new lawyers, or lawyers new to family law.
- FLEC is happy to have a Young Lawyer Liaison every year. We believe it is important to have a wide range of viewpoints, including the view from new, midrange and “seasoned” practitioners.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Pretty much since the inception of the Family Law Section, FLEC has maintained a regular presence at the Board of Governors meetings. Our current Liaison – Nancy Hawkins – has continued a strong Family Law Section presence at the meetings.

We are pleased with the improvements we have seen in our relationship with the BOG; we are definitely moving in a positive direction.

FLEC works extremely well with WSBA staff. They are extremely helpful in identifying CLE locations, obtaining BEOs, and handling administrative issues we otherwise would struggle with. They are friendly and timely in responding to any questions we may come up with (and we do ask a lot of questions).

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	Indian Law Section	
Chair:	Ann Tweedy	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	346
	Staff Lead:	Eleen Trang
	BOG Liaison:	Hunter Abell
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$9,441.65
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$2,891.75
Purpose:	As described in our Bylaws, the Indian Law Section’s purpose is to seek the participation of all interested members of the Bar, and of county and local bar associations, in order to benefit such members, their clients and the general public: (a) By providing the opportunity for exchange of ideas in the area of Indian law; to further the development of this area of the law; to communicate useful information pertaining to Indian law to members of the Bar; and to improve the application of justice in this field, all in conformity with the Bylaws of the Bar; (b) By initiating and implementing common projects; (c) By review of pending legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest; (d) undertaking such other service as may be of benefit to the members, the legal profession and the public.	
2019 Accomplishments and Work in Progress:	In 2019, we held our annual CLE on May 10 at the WSBA headquarters, followed by a joint NIBA-ILS reception. We served as a sponsor the Spokane County Bar Association Indian Law CLE in	

	February. We contributed to Northwest Indian Bar Association in support of its charitable activities, particularly its Urban Indian Legal Clinic. We published our newsletter last spring and have the next issue in progress.	
<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	6,250	Scholarships, donations, grants awarded
	1	Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	1	Newsletters produced
		Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
		Awards given
		New Lawyer Outreach events/benefits
	Other (please describe):	
<p>2020 Goals & Priorities (Top 5)</p>	1	Hosting of Spring CLE
	2	Law School outreach and other mentoring activities
	3	Donation to NIBA to fund Urban Indian Clinic
	4	Hosting of holiday party and other receptions
	5	
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>The Indian Law Section is fortunate that diversity is part and parcel of our mission. Native attorneys are often drawn to Indian law and frequently take leadership roles in the Section. For instance, both the Immediate Past Chair and the Secretary are tribal citizens, as are some At Large members. We welcome members of other under-represented groups as well but do not have records of how many are in leadership roles. However, there are at least two LGBT members in leadership positions. We have taken steps to pursue various types of mentorship</p>		

programs but haven't gotten them off the ground at this time.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Indian law community in Washington is close knit and problems of lack of professionalism within our community are infrequent. We further professionalism indirectly by fostering interconnectedness in the community. We have occasionally host panels that relate to professionalism at our CLE.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

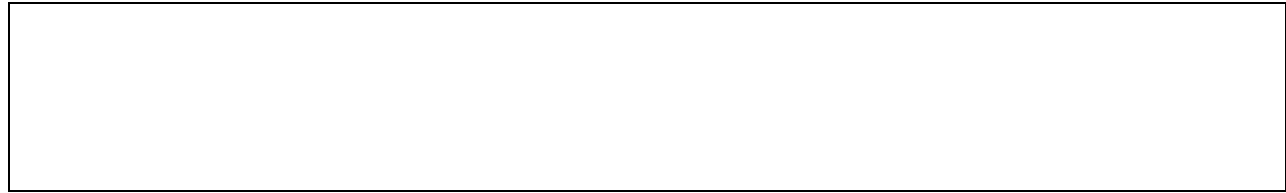
Yes, we have young lawyers in leadership positions.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We ask questions of WSBA staff and receive information from them. The BOG liaison requested to attend our monthly meetings and has begun to do so.



Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE B A R A S S O C I A T I O N

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	International Practice Section	
Chair:	<i>Holly Vance (through September 30, 2019) Leonid Kisselev (beginning October 1, 2019)</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	242
	Staff Lead:	Patrick Mead
	BOG Liaison:	Sunitha Anjilvel
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$11,238.54
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$3,939.59
Purpose:	The International Practice Section has a broad focus that includes not only the study of current developments in the field of international law but also immigration law, international transactional work, and international dispute resolution. Members represent a wide variety of backgrounds and practices, including full-time and part-time practitioners, government, business, non-profit, foreign lawyers, academia, internationally-focused law students, retired professionals, and those simply intellectually interested.	
2019 Accomplishments and Work in Progress:	1. The IPS held two major events during the 2018-2019 year: a Spring panel and networking event, and a combined event that included the Annual General Meeting, a presentation by a local non-profit, and a reception for foreign lawyers, law students, and practitioners.	

	<p>2. The IPS provided 5 credits worth of mini CLEs at no cost to Section members and co-sponsored a CLE with the World Peace Through Law Section that offered 6.75 CLE credits.</p> <p>3. The IPS administered a foreign lawyer/law student mentoring program.</p> <p>4. The IPS hosted one happy hour/networking event.</p>	
<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$1000	Scholarships, donations, grants awarded (<i>Huneke Fellowship awarded to law student</i>)
	1	Law school outreach events/benefits hosted (<i>Mentorship Program and Annual Reception at UW Law School</i>)
		Legislative bills reviewed/drafted
	Multiple	Newsletters produced <i>Content and communications through the Section listserv, The Global Gavel (www.globalgavelnews.org), and IPS LinkedIn Group. We are focusing the Section's communications with our members on these content streams, and have a regular stream of content, including event announcements, event summaries, and information related to the international practice of law. (Contact: Elly Baxter).</i>
	4	Mini-CLEs produced (<i>4 mini CLEs for a total of 5 CLE credits</i>)
	1	Co-sponsored half/day to multi-day CLEs with WSBA (<i>Co-sponsored 6.75 credit CLE with WPTL Section</i>)
	3	Receptions/forums hosted (<i>Spring Event, Annual AGM Reception, "No Host" Happy Hour Networking Event</i>)
		Awards given
		New Lawyer Outreach events/benefits
	Other (please describe):	
2020 Goals & Priorities (Top 5)	1	Maintain the excellence of the existing programming.
	2	Expand the breadth of CLE programs, and attempt to make such programs accessible to those outside Seattle.

	3	Increase both the number of Section members and the number of active Section members.
	4	Strengthen the section’s relationship with law schools to enhance the effectiveness of the mentorship program, CLEs, and young lawyer development.
	5	Partner with other sections for programming, pro bono projects, and/or other initiatives.

Please report how this section is addressing diversity:

- Membership Demographics – the IPS, by its nature, attracts a diverse array of foreign-born practitioners, as well as foreign lawyers, international law students and members whose clients operate in countries and cultures around the world.
- Board Demographics – the IPS has placed a priority on having gender equity and ethnic diversity on the Executive Committee, as well as having EC members with diverse employment: small firms, midsize firms, big firms, nonprofits, in-house counsel, and academia.
- Education and Training – the IPS’s annual programming includes a Foreign Lawyers and International Law Students Reception, which celebrates and promotes the diversity of our legal community, both locally and globally. Our CLE programming often includes a cultural education component, i.e., understanding the technical area of law as well as the cultural context as it applies to a particular country or region, which often includes a discussion of the prevailing values in that country or region and how they may differ from those in the U.S. on subjects of fairness, due process, equality, diversity and custom.
- Collaboration and Partnership – the IPS partners with law schools, other sections, international bar organizations, and business groups in leveraging its programming to increase participation and interaction among practitioners from diverse backgrounds and cultures.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The International Practice Section draws members from many backgrounds, jurisdiction origins, and has a multi-disciplinary scope to its activities. Because of the wide diversity of membership, we continually strive to bring professionalism to all aspects of our activities, and to have service at the core of the activities we undertake over the course of the year. We administer an extensive foreign lawyer/foreign law student mentorship program. And we strive to add ethics into our ongoing CLE series.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Section’s Young Lawyer Liaison attends and actively participates in Section leadership. The Section also awards the Huneke Fellowship to a law student, who is actively integrated into

Section leadership and law student outreach efforts. The Section also has a thriving mentor-mentee program, and actively encourages new and young lawyers to become involved in the Section.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA staff support this year has been excellent.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Intellectual Property Section</i>	
Chair:	<i>Reid Johnson</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	911
	Staff Lead:	Patrick Mead
	BOG Liaison:	Paul Swegle
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$24,352.48
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$13,630.63
Purpose:	<p>Pursuant to Section 1.01 of the IP Section’s bylaws:</p> <p>In general, the Section strives to promote the practice of intellectual property law, including by promoting the participation of, and furthering the knowledge of, all interested members of the Bar and of other state and local bar associations, as to intellectual property law, in order to benefit the Section members, their clients and the general public. To that end, the Section may:</p> <p style="padding-left: 40px;">(A) Provide the opportunity and forum for the interchange of ideas and education in areas of law relating to intellectual property rights, including patents, trademarks, copyrights, trade secrets and unfair competition, including without limitation:</p> <p style="padding-left: 40px;">(1) Sponsoring and providing continuing legal education events; preparing and publishing a Section newsletter and website; and providing assistance and financial support as to the activities of other organizations that promote the purposes, goals, or</p>	

	<p>activities of the Section;</p> <p>(2) Promoting the understanding of intellectual property laws through outreach activities to new Section members and law students, including by providing financial support to law students attending law schools in Washington State;</p> <p>(3) Promoting Section members through intellectual property-related networking, referrals, speakers' panels and press contacts;</p> <p>(B) Promote cooperation between sections within the Bar and between the Bar and other groups having common interests in the proper development and administration of the law relating to intellectual property rights;</p> <p>(C) Review, comment on, and make recommendations related to pending legislation and propose statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest;</p> <p>(D) Promote the development of industry and the useful arts by encouraging the establishment, maintenance, respect for and utilization of intellectual property rights that fairly balance the limited monopoly enjoyed by the owner of intellectual property rights with the benefit to society derived from the creation of useful subject matter protectable by those rights;</p> <p>(E) Assist in familiarizing other members of the Bar with intellectual property law; and</p> <p>(F) Undertake such other service as may be of benefit to the Section members, the profession and the general public.</p>
<p>2019 Accomplishments and Work in Progress:</p>	<p>1) Put on the WSBA IP Section's 24th Annual IP Institute CLE (included nationally recognized IP practitioners);</p> <p>2) Put on an IP Essentials CLE (involving regionally prominent practitioners);</p> <p>3) Put on an IP Licensing CLE (involving regionally prominent practitioners);</p> <p>4) Put on a Mini-CLE in Eastern Washington on IP issues;</p> <p>5) Participated in open section night to provide insights about the IP section and careers in IP law to new and young lawyers;</p> <p>6) Provided grant to WLA for expansion of intellectual property in the arts;</p> <p>7) Provided scholarships to law students at the University of Washington, Seattle University, and Gonzaga University, based on demonstrated interest in Intellectual Property law, as assessed by their respective law schools;</p>

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$8,500	Scholarships, donations, grants awarded
	N/A	Law school outreach events/benefits hosted
	1	Legislative bills reviewed/drafted
	N/A	Newsletters produced
	1	Mini-CLEs produced
	3	Co-sponsored half/day to multi-day CLEs with WSBA
	1	Receptions/forums hosted
	N/A	Awards given
	1	New Lawyer Outreach events/benefits
		Other (please describe):
<p>2020 Goals & Priorities (Top 5)</p>	1	Provide high quality but affordable CLEs to attorneys interested in IP-focused issues.
	2	Continue to grow Section membership.
	3	Provide outreach to law students and new lawyers with respect to education and IP Section activities/benefits.
	4	Provide scholarships to law students who show a demonstrated interest in IP law.
	5	Provide networking opportunities for Section members, including new annual dinner and networking event
<p>Please report how this section is addressing diversity:</p> <p>(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>The WSBA IP Section does not discriminate in its membership. People of all backgrounds, geographic locations, and business structures (e.g., in-house, solo, general practice, boutique law firms, non IP law-practicing attorneys, and law students) are treated equitably and afforded the same opportunities to participate in all section activities. The Section also strives to host CLEs with speakers from all backgrounds and business structures.</p>		

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The WSBA IP Section encourages ethics, civility, professionalism and competence in its membership and provides CLEs with ethics presentations to promote the same.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

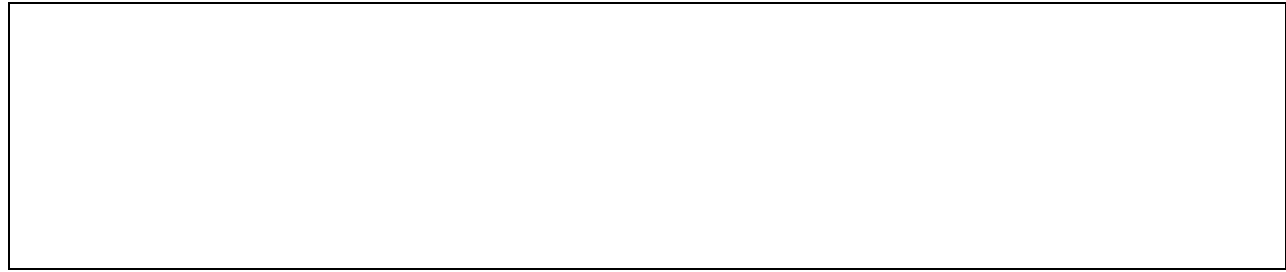
1. The IP Section has the 2019 goal of a law school outreach to provide information regarding the employment prospects & operations of the business of IP law;
2. The IP Section is in active communication with New Lawyers Connections Team and its representatives to promote IP Essentials CLE to new and young lawyers;
3. The IP Section sent Executive Committee members to attend Open Sections night to encourage new and young lawyers to become IP Section members and address their questions regarding a career in IP law;
4. The IP Section will host an new annual section dinner and networking event that will provide new and young lawyers an opportunity to meet and network with experienced attorneys in the field.
5. The IP Section has a Young Lawyers Liaison.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The IP Section Executive Committee has a cordial and productive working relationship with WSBA staff and Board of Governors. In particular, Patrick Mead, the IP Section’s liaison, has been open and accessible to the IP Section Executive Committee, and Mr. Kevin Plachy has provided excellent CLE support.



Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>JUVENILE LAW SECTION OF THE BAR</i>	
Chair:	<i>Angelle Gerl and Jill Malat (for 2020)</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	174
	Staff Lead:	Eleen Trang
	BOG Liaison:	Brian Tollefson
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$5,937.88
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$408.60
Purpose:	<p>The Juvenile Law Section provides an opportunity for legal professionals who work with juveniles and their families in child welfare, juvenile justice, and civil legal needs to meet together and work collaboratively on issues facing their clients</p>	
2019 Accomplishments and Work in Progress:	<p>On 9/4/19 the juvenile offender sub-committee co-chairs, Angelle Gerl and Amy Jones, along with section co-chair Jill Malat, presented a webinar for the World Peace Through Law Section on the “Criminalization of Youth.”</p> <p>On 9/16/19, section member April Rivera attended the WSBA event for Young Lawyer Liaisons.</p> <p>On 10/11/19, the section’s annual meeting and CLE was held in Pasco, Washington. The section had identified as one of its goals for 2019 was to hold its annual meeting in eastern Washington, to</p>	

	<p>serve as an outreach to members and potential members in eastern Washington. The CLE was entitled “The Justice System for Children in Eastern Washington and Beyond.” 5 CLE credits were earned. Sessions at the CLE included a presentation on Youth Courts, a case law update on legislation impacting youth, a presentation on immigration issues for youth, a session on the criminalization of youth, and a presentation on the Interstate Placement of Children compact.</p> <p>Following the CLE, the executive committee met and voted on officer vacancies, set the meeting schedule for 2020, and conducted other section business.</p>	
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	<p>Quantity</p>	<p>Member Benefit</p>
	0	Scholarships, donations, grants awarded
	0	Law school outreach events/benefits hosted
	1	Legislative bills reviewed/drafted (the section informally reviewed the BECCA bill that removes incarceration for contempt of court in BECCA proceedings)
	0	Newsletters produced
	1	Mini-CLEs produced (for the World Peace Through Law Section)
	1	Co-sponsored half/day to multi-day CLEs with WSBA (annual meeting and CLE with Form 1 sponsor)
	0	Receptions/forums hosted
	0	Awards given
	1	New Lawyer Outreach events/benefits
		Other (please describe):
<p>2020 Goals & Priorities (Top 5)</p>	1	The section will recruit at least one law student member for the executive committee.
	2	The section will begin to plan the Fall, 2020 annual meeting. This year’s meeting will occur on the west side

		(with a goal to hold an annual meeting in eastern Washington at least every 3 rd year.)
	3	The executive committee will be more proactive in 2020 with legislative activities and review of proposed bills related to juvenile issues.
	4	The executive committee will work with our Young Lawyer Liaison to involve newer/younger attorneys in the section's work.
	5	The executive committee will schedule a retreat and orientation in the Spring of 2020.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The executive committee is aware that the section needs to improve its emphasis on outreach and inclusivity to our members and potential members from diverse communities. At the Fall, 2017 annual meeting, a member raised a concern about our lack of persons of color on our diversity panel. The executive committee will strive to address those concerns. The section continues to monitor the WSBA's Diversity and Inclusion statistics as related to the juvenile law section. The 2018 % of members of color, LGBT and persons with disabilities all increased slightly from 2017. The section will continue to monitor the statistics regarding New/Young Lawyer members and women lawyers, as both of those numbers decreased in 2018 as well. The executive committee is awaiting the 2019 statistics for 2019.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Juvenile Law section is comprised of representation of a variety of interests in juvenile dependency, juvenile offender and other civil legal issues related to juveniles. The section's executive committee also strives to maintain diverse representation from these areas of practice. The current executive committee includes defense attorneys, a prosecutor, civil legal aid attorneys, attorneys who represent the state of Washington and children's representation. This balance in membership assists the section in working cooperatively while still maintaining distinct perspectives on cases and the issues that involve youth in the legal systems. The section promotes respect and civility within the section, which assists in all of our work outside of the section, and carries into our practice in the broader legal community.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The section has a new young lawyer representative who has just begun his one year appointment. The executive committee will invite the YL representative to all executive committee meetings and events, with a goal of identifying issues that might impede a newer attorney from joining the section and/or working in the area of juvenile law.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The WSBA’s section liaison, Eleen Trang and BOG liaison Brian Tollefson are invited to the monthly executive committee meetings, the annual meeting, and executive committee events, when they occur . Ms. Trang regularly attends section meetings. Ms. Trang has assisted the section with a wide variety of projects and has been very supportive to and helpful with section issues. BOG liaison Brian Tollefson has provided the section with an update on BOG meetings and issues, and seeks input from the executive committee members.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Legal Assistance to Military Personnel</i>	
Chair:	<i>Eric McDonald</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	85
	Staff Lead:	Patrick Mead
	BOG Liaison:	Hunter Abell
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$3,127.59
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$82.30
Purpose:	<p>To benefit members of the Washington State Bar Association (WSBA) and the general public by:</p> <ul style="list-style-type: none"> • Establishing liaisons between the WSBA, the Armed Forces of the United States, and federal, state and local government agencies involved in military and veteran affairs. • Encouraging continuing legal education to assist legal representation of and advocacy for military personnel, veterans and their dependents within Washington State. • Providing information on matters affecting military licensed legal professionals, both active duty and reserve. • Promoting WSBA objectives with respect to military affairs by serving the needs of the members and veterans of the Armed Forces of the United States and their dependents. 	

<p>2019 Accomplishments and Work in Progress:</p>	<ul style="list-style-type: none"> Organized, hosted, and participated in mini-CLE training events for military and civilian attorneys. Provided guidance to military and civilian attorneys seeking information on federal and state laws impacting servicemembers members, veterans, and their families. As advisory member of the AGO’s Military & Veteran Legal Assistance Committee, participated in its audit meeting as well as providing guidance on military and veteran legal challenges and potential venues for receiving assistance such as future AGO’ sponsored CLE. Reviewed state legislative bills in coordination with the WSBA, on issues relating to military members, dependents, Washington National Guard members, and veterans. Met with the AGO’s Military and Veteran Legal Assistance Division/Department Head to formulate plan for 2020 CLE presentations to training cadre of Pro-Bono attorneys.
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<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> \$3000 Scholarships, donations, grants awarded; 4 mini-CLEs produced 	<p>Quantity</p>	<p>Member Benefit</p>
		<p>Scholarships, donations, grants awarded</p>
		<p>Law school outreach events/benefits hosted</p>
	<p>9</p>	<p>Legislative bills reviewed/drafted</p>
		<p>Newsletters produced</p>
	<p>1</p>	<p>Mini-CLEs produced</p>
		<p>Co-sponsored half/day to multi-day CLEs with WSBA</p>
		<p>Receptions/forums hosted</p>
		<p>Awards given</p>
	<p>1</p>	<p>New Lawyer Outreach events/benefits</p>
	<p>Other (please describe):</p>	

<p>2020 Goals & Priorities (Top 5)</p>	<p>1</p>	<p>Host quarterly mini-CLEs that have value to our members and, in general, help military and civilian attorneys provide legal services to military personnel, veterans, and their families.</p>
	<p>2</p>	<p>Assist the Washington State Attorney General’s Office Legal Assistance to Veteran’s and Military Personnel Division</p>

	3	Monitor and draft proposed legislation having impacts on military personnel, veterans, and their families and provide comments/testimony as appropriate.
	4	Evaluate and implement training methods to improve accessibility for LAMP members/military attorneys throughout Washington state.
	5	Continue to increase section diversity, outreach, and membership.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The LAMP section strives to increase women and minority participation in our section and particularly in leadership positions. The veteran and military population we advocate for is very diverse and includes people from all walks of life and sexual orientations coming from all parts of the 54 states and territories. Current and past executive board comprises members of historically disadvantaged groups, such veterans, women, non-Christian religious denominations, and non-white ethnicities.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The LAMP section hosts CLE presentation for its members and guests. In every presentation there is a portion that talks about the proper way to address legal issues in court, with the government, and/or with other attorneys. In general, attorneys who represent military personnel in military or civilian courts are held to a high-ethical standard and we strive to give them the information and tools to maintain that high-standard. Likewise, civilian attorneys representing military personnel, veterans, and their families receive educational opportunities to learn about the military culture and high standards expected.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

LAMP participates in the Young Lawyer liaison program and has a young lawyer assigned to our section for the next two years. LAMP participates in outreach event to new lawyers and law students by attending and contributing to WYLD open night section nights in Spokane, and Seattle. Law students may join the LAMP section as non-voting members (at a reduced cost). New lawyers and law students have numerous opportunities to network with military and civilian lawyers at LAMP events and in some cases are mentored by LAMP members. All law

school in Washington State have military/veteran law school associations which are supported by the LAMP section and which provide leadership opportunities for law students.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
 - *Involvement with Board of Governors, including assigned BOG liaison*
 - *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*
-
- The WSBA leadership and administrative staff has actively supported LAMP efforts to provide legal assistance to our returning military personnel, veterans, and families impacted by the long war overseas.
 - Our BOG Liaison has been engaged with all key issues addressed by the LAMP.
 - The LAMP section has actively participated in WSBA hosted leadership events and provided comments to help WSBA understand our section membership goals and needs moving forward.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>LGBT Law Section</i>	
Chair:	<i>FY 2019 Co Chairs: Dana O’Day-Senior & Betsy Crumb; FY 2020 Chair: Dennis Cronin</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	118
	Staff Lead:	Eleen Trang
	BOG Liaison:	Sunitha Anjilvel
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$3,335.48
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$724.31
Purpose:	<p>The LGBT Law Section strives to:</p> <ul style="list-style-type: none"> • Support understanding among WSBA members of the legal needs of lesbian, gay, bisexual, and transgender residents of Washington • Assist LGBT residents and those who represent them • Better understand how their legal needs can be met • Support research, education, and collaboration by section members on issues of sexual orientation and gender identification • Promote the study of LGBT law and report on changing law and regulations as they affect LGBT people and communities • Assist in legislative work undertaken within the scope of GR 12 • Act as a liaison between the WSBA, its Board of Governors, LGBT organizations, and the public 	

2019 Accomplishments and Work in Progress:

In Fiscal Year 2019 the LGBT Law Section focused on better serving and responding to the needs of section members and the community around the State of Washington. We focused on recruiting section executive committee members from geographically diverse locations including Seattle, Olympia, Vancouver, Yakima, and Spokane.

We started the Fiscal Year with an annual meeting and mini CLE that was simultaneously held in Seattle at WSBA headquarters and in Spokane at Gonzaga University. The meeting and CLE used videoconferencing to enable live, face-to-face discussion among attendees in both locations. The CLE and meeting focused on identifying pressing and emerging concerns of LGBTQ legal professionals and the LGBTQ clients we serve across the state, identifying in particular what concerns or legal issues may differ or vary based on geographical location. We used this information to better plan and identify subject areas on which to focus for the coming year.

The Section attended the Seattle Open Sections Night in January and has been in conversations with other sections about offering joint CLE programming to reach a broader audience and access even more knowledgeable presenters on subjects such as the rights of LGBTQ services members.

We also hosted a very exciting mid-Year meeting and mini-CLE on LGBTQ Elder Law and the challenges and resources available.

The Section also plans to begin using Zoom videoconferencing for monthly Executive Committee Meetings to facilitate communication and community among our far-flung Executive committee members and section members.

Currently in progress is our planning for the 2020 Annual Meeting and CLE, which will take place on December 17, 2019. The CLE will be available both in-person at WSBA Offices and available via webcast and will address topics including immigration issues facing the LGBTQ community, changes to the Uniform Parentage Act and how those changes impact LGBTQ families, and the *Arlene's Flowers* case and other related cases and the current state of religious exemption laws in Washington state.

We hope many of you will join us for this exciting CLE and for our meeting immediately following, which will also be accessible by conference call at the toll-free number listed on our section page.

Beginning in FY 2019 we also committed a portion of our budget to

	making funds available for scholarships to attend CLEs and other Section events.	
Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
		Scholarships, donations, grants awarded: 1
		Law school outreach events/benefits hosted: None this year, although Gonzaga University Law School kindly hosted our FY 2019 Annual Meeting in November 2018 and we have been in dialogue with law school students groups regarding events for the future.
		Legislative bills reviewed/drafted: Reviewed, 2
		Newsletters produced: 0
		Mini-CLEs produced: 2 (FY 2019 Annual Meeting, Mid-Year Meeting on LGBTQ Elder Law)
		Co-sponsored half/day to multi-day CLEs with WSBA: 1 (upcoming half-day CLE for FY2020 Annual Meeting was planned during FY 2019)
		Receptions/forums hosted: 1
		Awards given: None
		New Lawyer Outreach events/benefits: Open Sections night attendance, scholarship availability, and discounted membership for law students.
		Other (please describe): Section Leader Representatives attended a number of events hosted and sponsored by other LGBTQ Legal Orgs, Pride Events, and National Coming Out Day festivities hosted by colleges.
	2020 Goals & Priorities (Top 5)	1
2		Continuing to improve our geographic reach around the state by having more events available through Webcast and video conference and by hosting Section Events and CLES outside the Seattle area.
3		Improving dialogue among Executive Committee Members and the Section Membership by using videoconferencing to improve communications and

		strengthen collaboration and community.
	4	Hosting at least one seminar or mini-CLE in conjunction with another WSBA section (current plans are for a CLE on the rights of transgender service members under current policies to be co-hosted with the LAMP Section.
	5	Continuing law student and new lawyer outreach by attending Open Sections Night and hosting receptions at the state’s Law Schools.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The section is focused on serving lawyers and legal professionals who serve the LGBT Community, which its itself a very diverse community comprising individuals and families from various racial, ethnic, religious, national origin, gender, and socioeconomic backgrounds.

Our efforts over the past year have focused on better serving section members outside the Seattle area, as well as those in Seattle and recognizing that the issues facing the LGBTQ community in different geographical areas of the state are not uniform. To this end, we have strived to make our programming available either in person or by webcast/videoconference to section members and interested parties around the state. We have also focused on educational topics that reflect and support the many dimensions of diversity within our own section membership, including elder law, immigration law, parentage and families, and the intersections between the Washington Law Against Discrimination and religious rights. We are currently in early planning stages for a mini-CLE to provide an update on the rights of transgender and gender diverse service members. And as always, we encourage section members of all backgrounds to consider joining our section Executive Committee!

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The section seeks to promote respect and civility within the legal community and between judges, lawyers, staff, and clients. All of our Section educational programming includes discussions of best practices to ensure we are meeting the needs of all LGBTQ Washingtonians. This includes discussions of addressing implicit and explicit bias and homophobic and transphobic behavior and language in the courtroom. In addition, at our annual meeting this year, we also discussed how best to address work-life balance and mental health issues within our community of legal professionals and for our clients. We also devote a significant portion of our educational programming to addressing respectful and inclusive language that further promotes professionalism and civility.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Section has an active New and Young Lawyer Liaison and regularly attends Open Sections Nights in Seattle and around the State. We offer discounted section membership to Law Students and offer scholarships to aid those who may need financial assistance (including New and Young Lawyers) in attending section-sponsored events. We actively seek feedback and information from New and Young Lawyer section members to help drive our section programming and encourage New and Young lawyers to join our Executive Committee. We hope with more widespread use of videoconferencing in the new year we will also be able to better engage with New and Young lawyers in our Section membership as a whole.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

The LGBT Law Section is thankful for the support we receive from our wonderful Sections Liaison Eleen Trang. We also want to thank the WSBA CLE Staff for their assistance in planning our upcoming Half-Day CLE and annual meeting, including publicizing the event and recruiting wonderful speakers. Keep up the good work.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Litigation Section</i>	
Chair:	<i>Vincent Nappo</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	1,070
	Staff Lead:	Patrick Mead
	BOG Liaison:	Jean Kang
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$31,988.23
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$8,907.54
Purpose:	<p>The Litigation Section strives to be the voice of civil litigators practicing in Washington state. The Section is involved in a wide range of activities that interest those who handle civil matters in superior or federal courts. Activities include review and formal input concerning legislation and rule making, annual midyear trial skills seminar and support for litigation skills training.</p>	
2019 Accomplishments and Work in Progress:	<ul style="list-style-type: none"> • <i>Participation at All Open Section Night in both E and W WA</i> • <i>Educational events annual Trial Skill CLE seminar</i> • <i>Support of WSBA’s Trial Advocacy Program</i> • <i>Review and comment on legislative bills relevant to the section and its members (this did not occur because the legislature was not in session, but instead provided feedback to the BOG and Supreme Court both on WSBA changes and proposed Rule Changes.</i> • <i>Scholarship and/or grant programs at all three WA Law Schools</i> <p><i>Initial exploration of potential mentor program, including seeking interest from experienced litigators to serve as mentors.</i></p>	

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$6,000	Scholarships, donations, grants awarded
	3	Law school outreach events/benefits hosted
	50+	Legislative bills reviewed/drafted
	0	Newsletters produced
	0	Mini-CLEs produced
	2	Co-sponsored half/day to multi-day CLEs with WSBA
	0	Receptions/forums hosted
	0	Awards given
	1	New Lawyer Outreach events/benefits
2	Other (please describe): Hosted Annual Reception/Dinner for Supreme Court; Mentor Program; Listserve.	
2020 Goals & Priorities (Top 5)	1	Continue Annual CLE program
	2	Implement scholarship program for public interest law students
	3	Law Student Outreach at all three Washington law schools
	4	Provide timely input on bills during active legislation session.
	5	Maintain electronic listserv for topics of interest to litigators throughout the state; and continue development of mentorship program
<p>Please report how this section is addressing diversity:</p> <p>(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>We actively ensure that our CLE programs include diverse speakers/presenters</p> <p>We try to ensure both practice, geographic and ethnic diversity on our Executive Committee</p> <p>We have not used the WSBA Diversity Specialist.</p> <p>The point of contact on our Committee for this should be Vincent Nappo (Chair).</p>		

We will continue to promote diversity within our section leadership and in the presenters and speakers at section programs and identify outreach opportunities to increase diversity in our membership and leadership.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

We have engaged with our YLD Liaison to get input on issues of importance to younger lawyers, and continue in our participation at Law School outreach events at all three law schools as well as Open Sections Nights. In addition, we are working towards the implementation of a new mentor program pairing experienced litigators with newer members of the Bar. Finally, our Annual CLE focuses on both more basic and higher level skills in a demonstration and discussion format that allows both new and more experienced lawyers to share and learn.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Several members of the committee are less than 7 years out of law school. In addition, we have developed a mentor program, coordinated by the young lawyer liaison, and we are actively in contact with the law schools to host annual social events with law students.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA Staff has been great to work with and responsive when we have questions. Staff has also been helpful in assisting our section in complying with WSBA requirements.

In the past, BOG Liaison was engaged, participated and was most helpful in providing insight and outreach for the BOG to our section. We have not heard from the BOG Liaison currently, but are in the process of reaching out to invite her to join our monthly meetings.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	Low Bono Section	
Chair:	Jeff Hamilton	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	82
	Staff Lead:	Patrick Mead
	BOG Liaison:	Bryn Peterson
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$2,156.85
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$290.42
Purpose:	<p>The underlying purpose of “low bono” is to increase the availability of legal representation and legal services to clients of moderate means.</p> <p>Clients of moderate means are individuals who have a need or a want for legal representation or legal services, but who cannot qualify for pro bono legal assistance and who typically cannot afford the cost of traditional law firm representation or legal services. These individuals comprise the majority of those seeking resolution of, or planning for, legal issues and legal matters.</p> <p>The Low Bono Section is a community of lawyers, other legal professionals, and law students committed to identifying solutions, creating systems, and developing projects to increase the overall availability and affordability of legal representation and legal services.</p>	

<p>2019 Accomplishments and Work in Progress:</p>	<ol style="list-style-type: none"> 1. Supported Seattle University School of Law’s Access to Justice Institute on the CLE: “Launching a Successful Practice.” February 27, 2019 by presenting on the panel “Reality Check: The Biggest Challenges Practitioners Face When Setting Up Their Own Practices.” And by sponsoring and hosting the social event immediately following the CLE. 2. Sponsored Seattle University School of Law Low Bono Incubator Awardees for free membership in the Low Bono Section for one year. 3. Planned and held the second Low Bono Section Leadership Retreat in October 2019. The retreat was focused on strategic planning and was facilitated by executive committee members over one Saturday. 4. Implemented the new voting system as approved by the WSBA By-Laws before the required deadline. 5. Executive Committee Members presented at the Solo and Small Firm Conference on the topic of “Illuminating Low Bono Practice.” 6. Executive Committee Members presented at Seattle University School of Law in collaboration with the Access to Justice Institute on the topic of letters of engagement/retainers. 7. Sent representatives to the Open Section Nights in January 2019. 8. Hosted a Young Lawyers Liaison on our executive committee. 9. Continued improvement of existing member benefits: <ul style="list-style-type: none"> • Online directory of low bono attorneys in WA • Low-cost and no-cost mini CLEs • Active Listserv • Multiple socials • Active committees 10. Continued to cultivate relationships with Seattle University School of Law, the University of Washington School of Law, Gonzaga University School of Law, the Moderate Means Program, and the Access to Justice Institute. 11. Submitted a comment on ESHB 1788 regarding the effect of the bill on important WSBA programs such as the Moderate Means Program. 12. Sponsored a proposal by Patrick Palace to amend RCW Title 41 regarding attorneys fees in worker’s compensation cases that would allow low bono assistance in that area of law. 	
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	Quantity	Member Benefit
	\$	Scholarships, donations, grants awarded

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 		Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
		Newsletters produced
		Mini-CLEs produced
		Co-sponsored half/day to multi-day CLEs with WSBA
		Receptions/forums hosted
		Awards given
		New Lawyer Outreach events/benefits
		<p>Other (please describe):</p> <ul style="list-style-type: none"> • Offered free and low cost mini-CLEs to members through a co-sponsored monthly "Low Bono CLE Connections Series" with the Access to Justice Institute's Low Bono and Solo Initiative, WSBA Moderate Means Program, and WSBA LOMAP. • Sent representatives to Open Sections Night in January • Sponsored social events for members and guests
<p>2020 Goals & Priorities (Top 5)</p>	1	Offer 4 webcast or webinar CLE's; one for each quarter and at least two in partnership with another section
	2	Offer 4 socials with an aim to increase membership
	3	Create a resource portal for our members
	4	Increase section membership by 10%
	5	Create centralized resources for executive committee leadership
<p>Please report how this section is addressing diversity:</p> <p>(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p>The Executive Committee has discussed the importance of diversity and inclusion within the Low Bono Section, but has not adopted an official strategy for incorporating the main tenets of the Diversity and Inclusion Plan into our section's activities. Nonetheless, our Executive Committee has taken several steps to encourage participation by a more diverse group of people. All of the meetings of our Executive Committee have encouraged attendance by providing a telephone call-in number for those who live too distant to attend the meetings in person. We hold our Executive Committee</p>		

meetings at a later hour of the day, typically on the third Tuesday of the month, to encourage more people to participate, including members with small children who may have trouble meeting during workday hours. In FY2018, we began rotating the location of the meetings among three different Seattle locations---Pioneer Square, Fremont/Queen Anne, and Northgate---in order to allow more Section Members to attend in person. All three locations are along multiple bus lines, are handicap accessible buildings, and the latter two locations have free parking. We also began regularly hosting socials after these meetings and invite all Section Members to the meetings and to the post-meeting socials.

We are fortunate to be a section whose organizing principles appeal to a diverse group of attorneys, even without having focused our leadership activities on improving diversity and inclusion. Our mission is promotion of access to justice, which appeals to a diverse population of lawyers. This has resulted in a relatively diverse membership. Notably, the executive committee and Section membership is majority female. Since its inception in 2014, Section membership has historically been more diverse than the WSBA membership when measured purely by conventional demographics. We focus heavily on alternatives to traditional law firm practice and work/life balance, something that appeals specifically to women in the profession.

Our section did not utilize the services of the WSBA Diversity Specialist this year. The WSBA Diversity Specialist should feel free to contact any member of our Executive Committee regarding diversity and inclusion unless and until such time as the Executive Committee designates a point person for such contact.

In the past year, our Executive Committee's primary focus was keeping the members it has (as distinct from merely maintaining our membership numbers by having growth that exceeds attrition). This has meant focusing on providing high quality programs and other valuable benefits for all of our members, as well as promoting opportunities for our members to communicate with each other and build meaningful professional relationships. Our Executive Committee's secondary focus in the last year was encouraging new members to join the section. This has meant actively recruiting new members from among attorneys and other professionals in the community, usually through in-person conversations in a variety of contexts. As a small section, our focus must continue to be growing our numbers and maintaining our existing members. We believe that continuing our efforts to keep our existing members while we continue to grow will result in the Low Bono Section continuing to be one of the most diverse and inclusive sections of the WSBA. Nevertheless, our Executive Committee will include developing a strategy for incorporating the tenets of the Diversity and Inclusion Plan into our section activities during the next fiscal year.

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

By its very nature, low bono practice seeks to foster a respectful and civil practice environment. Clients typically have limited resources. Therefore, low bono practitioners must make the most of those resources to obtain the best possible outcome for a client. An effective method to achieve this end is to practice with respect and civility throughout the life of a matter in order to keep the focus of all involved on the legal and client-centered issues at hand.

In addition, low bono practitioners approach matters with their clients from the perspective of what outcomes will be both achievable and satisfactory to the client within the client's means. This approach typically improves the overall experience the client has with the legal system when compared to a more traditional approach of advancing a client's matter to a point where there is no resolution or satisfactory outcome, and then withdrawing when the client can no longer pay.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We reach out specifically to new and young lawyers, with most of our outreach focusing on new/young lawyers and those transitioning from big firms to solo/small firms. Our bylaws allow us to have three law students hold non-lawyer board positions. A future goal is to reach out to lawyers reaching retirement, especially those seeking to semi-retire, and to lawyers practicing in big firms, which we imagine will lead to creating connections for new and young lawyers to find mentorship and professional opportunities.

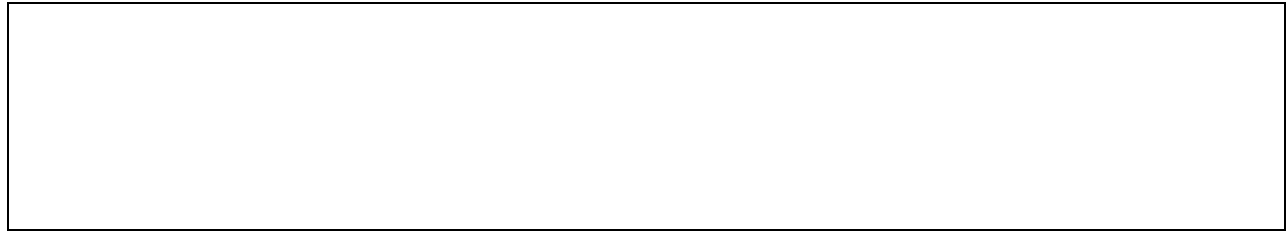
A significant number of our Executive Committee Members are within their first five years of practice. For FY2020, we welcome a Young Lawyers Division liaison to participate in the Section Executive Committee meetings. Further involvement with the Seattle University School of Law Low Bono Incubator Program is planned.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We are blessed with significant support and involvement in FY2019 from our WSBA Section Liaisons (Julianne Unite and Pat Mead). The same can be said for other WSBA staff that the Section has interacted with. All are approachable, thorough, and helpful with regard to Section business.



Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	Real Property Probate and Trust Section	
Chair:	Stephanie R. Taylor (2019-2020)	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 31, 2019)</i>	2,362
	Staff Lead:	Patrick Mead
	BOG Liaison:	P.J. Grabicki
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$62,400.64
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$49,697.64
Purpose:	<p>The purpose of the Section is to:</p> <ul style="list-style-type: none"> a. Assist our members in achieving the highest standards of competence, professionalism, and ethics in their practices, b. Assist the Legislature in the enactment and improvement of the laws affecting real property, probate, trusts, and estates and to assist the Judiciary in the just administration of those laws, c. Support the WSBA with regard to those matters which concern the practice of law in the areas of real property, probate, trusts and estates, and d. Otherwise serve our members by helping them realize their professional goals. 	
2019 Accomplishments and Work in Progress:	For 2018-2019, the RPPT Section set goals of delivering high quality CLEs in an environment where attendance at all WSBA CLEs is declining and increasing its presence with young lawyers. The RPPT	

continues to be thrilled with the high quality content and with the amazing young leaders in our Section.

Over the past three years, RPPT has fully integrated its Fellows Program which was originally introduced in June 2016. The Fellows who have participated in our Section have been an amazing resource for our Section Members. RPPT has enjoyed the benefits of welcoming Fellows back as elected executive committee members. RPPT continues to receive applications from young, energetic lawyers eager to join the section.

RPPT co-sponsored four (4) full day CLEs and attracted great attendance at our recent Midyear Conference at the Historical Davenport Hotel in Spokane, WA.

RPPT published four (4) high-quality newsletters by our dedicated group of lawyers who sit on our Newsletter Committee.

RPPT enjoyed a strong relationship with our BOG Liaison, PJ Grabicki, who was a great resource as we waded through the complex issues of whether an integrated Bar was appropriate. RPPT had a Section Representative attend all of the Supreme Court Workgroup meetings and report back to our Section leadership the issues that were at play.

RPPT continues to make an effort to have a representative attend each of the BOG meetings each year. RPPT has formed and promotes a sub-committee to investigate reinstating a State-wide, all Sections Convention with the goal of increasing collegiality between the sections and WSBA membership.

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$8,000	Scholarships, donations, grants awarded
	3	Law school outreach events/benefits hosted
	1-10	Legislative bills reviewed/drafted
	4	Newsletters produced
	1	Mini-CLEs produced
	5	Co-sponsored half/day to multi-day CLEs with WSBA
	0	Receptions/forums hosted
	0	Awards given

	4	New Lawyer Outreach events/benefits
		Other (please describe):
2020 Goals & Priorities (Top 5)	1	Continue to re-establish effective communication with the Legislature through a WSBA Legislative Liaison. RPPT and WSBA's Legislative Liaison must create communication channels that allow a timely and impactful flow of information so that the expertise of RPPT members can be utilized to educate and inform Legislative members as they create law impacting the practice areas of real property, probate and trust.
	2	Continue outreach to new lawyers, including but not limited to offering of scholarships to the RPPT Midyear Conference, open section nights, mentor lunches at CLEs and other similar programs.
	3	Continue enrichment of the Fellows program to promote section membership to new lawyers and to inform existing RPPT members of ways to positively impact practice development and section membership for new lawyers.
	4	Strategic planning regarding most effective way to deliver CLEs to our members, including forms based/hands on training.
	5	Contribute constructively to all meetings where Sections participation is invited and work collaboratively with other Section Leaders to benefit all Members of the WSBA.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

Diversity continues to be an important issue to RPPT. When recruiting individuals to serve on the RPPT executive committee and/or join the Section, RPPT makes significant efforts to be inclusive. As a result of these efforts RPPT is doing very well in maintaining diversity in areas it can control: gender, age, small firm/large firm, geography. As to gender equity, RPPT has done a great job. For 2018-2018, four of five officers of RPPT were women and the executive committee has had good gender balance for more than a decade. RPPT is expanding ethnic diversity with its Fellows and Young Lawyer Liaison. RPPT is continuing to examine areas where it can create inclusive education in its CLE programming.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

RPPT has formed a sub-committee to investigate reinstating a State-wide, all Sections Convention with the goal of increasing collegiality between the sections and WSBA membership. RPPT has authorized the use of Section funds to determine the feasibility and scope of the convention as well as do the initial program development and investigate sponsorship opportunities. The subcommittee intends to enlist the assistance of other Section leaders so that this effort will be a multi-Section effort.

RPPT makes a conscious effort to include numerous ethics credit opportunities in our CLE formatting. We also started, last year, providing lunch to all CLE attendees to increase relationship building among practice area professionals and offer mentoring lunches at the CLEs to young lawyers in attendance.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

RPPT has four fellows (two on the probate and trust council and two on the real property council) and a Young Lawyer Liaison (on the real property council). The involvement of our young lawyers benefits RPPT by allowing the Section to learn first-hand about issues important to young lawyers. We believe the fellows and liaison benefit by obtaining experience necessary to lead RPPT and WSBA in the future. Historically, we provided four scholarships for tuition to the Midyear Conference to young lawyers at the Young Lawyer’s Open Section Nights. We have also provided full “all expenses paid” scholarships for young lawyers who applied to attend our Midyear Conference. RPPT has invested heavily in young lawyers in the last five years, and we are beginning to feel the benefits of that investment.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

We work closely with and receive excellent service from WSBA staff. Our relationship over the past year with Section staff has been as strong as we have experienced in a number of years. We work extremely well with Pat Mead. He is responsive and helpful and the information he communicates is always reliable. He is positive and supportive of Sections in all of his communications. He creates a feeling of effective collaboration between the volunteer efforts of RPPT members and the support provided by WSBA staff.

We have appointed a small subcommittee whose responsibility is to attend BOG meetings. Previously, we had a different person attend meetings periodically. We found that it was a challenge keeping abreast of BOG issues. Having a smaller group of people attend allows for continuity without placing too much burden on any one individual.

PJ Grabicki, as our 2018-19 BOG liaison, was wonderful. Although scheduling conflicts precluded his attendance at our meetings, PJ made a point of being available for open communication and recommendations for advancing RPPT’s goals. RPPT eagerly awaits knowledge of our new BOG liaison, particularly at this time when our Section will benefit from staying abreast of important decisions made by the BOG and when the BOG will benefit from information uniquely within the province of sections.

RPPT have thoroughly enjoyed working with Kevin Plachy for CLE planning and delivery and with Joel Lake during his interim period as Education Programs Lead. Both are abundantly competent and extraordinarily responsive to our requests for assistance in planning CLE locations, content, pricing, coordination of staff and on-site delivery. The contributions of both Joel and Kevin, to successful delivery of CLEs, cannot be over-stated. We are also very excited to be working with Miriam Gordon with respect to the delivery of CLEs in the future.

A RPPT representative attends the sections leaders’ meetings that are held throughout the year and was thrilled to participate in the initial Section Leaders call that was organized by Regina Paulose with a Section. Section Leaders from WPTL, IPS, RPPT, Small and Solo Practice, Low Bono, Land Use/Environmental Law, Corporate Counsel, Family Law, Administrative Law, and ADR attended. RPPT looks forward to working with these Section Leaders to continue great work to benefit all members of the WSBA.

During this past Legislative session, our Section continued to feel hindered in our efforts to deliver and receive communication with Legislative members. As a result, legislation was passed that would have benefited from the influence of RPPT members. We are committed, as is WSBA, to reversing this outcome and re-establishing the ability for RPPT members to positively impact Legislative members with the weighty decisions they make. We look forward to ongoing communication with WSBA staff to ensure that we can be effective in legislative issues.

We are committed to a relationship of mutual respect with WSBA. We will strive to assist WSBA in meeting its objectives and appreciate that WSBA offers support and the flexibility we need to continue to provide the high quality member services our members have come to expect.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	Senior Lawyers Section	
Chair:	Brian Comstock	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	254
	Staff Lead:	Patrick Mead
	BOG Liaison:	Tom McBride
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$7,741.14
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$724.17
Purpose:	<p>Article II of the Bylaws of the Senior Lawyers Section states that “the purpose of this Section shall be to benefit members of the Washington State Bar Association (WSBA) and the general public, by:” The following subsections spell out specifically how this purpose is to be accomplished. Subsection 2.1 provides for programs that will promote the interests of members 55 years of age and older. Subsection 2.2 seeks to advance the opportunity and forum for members to exchange ideas and engage in educational, social and related activities geared to promoting the same common interests. Subsection 2.3 states the broadest goal of undertaking other services consistent with the Bylaws and other applicable rules that will benefit members of the legal profession and the public.</p> <p>Article III of the Bylaws spells out eligibility for membership. This is pertinent to defining who are the members of the Section referred to above. Under Section 3.1, to enroll as a voting member of the Section, the attorney must be an “Active member of the Washington State Bar Association 55 years of age and older or who has been in practice in any jurisdiction for 25 years.” Such an enrollee may be granted voting membership upon request and payment of annual</p>	

	<p>Section dues. Section 3.1 also provides for inactive members who may be members of the WSBA, law students and subscribers. Annual dues of members are established by the Section’s Executive Committee, subject to approval of the WSBA Board of Governors, and the dues of subscribers are determined and approved by the WSBA Board of Governors.</p>
<p>2019 Accomplishments and Work in Progress:</p>	<p>ANNUAL CLE EVENT</p> <p>The one event sponsored and carried out by the Senior Lawyer Section is its annual CLE seminar usually held in the last week of April or the first week of May. It is well-attended usually by 100 or more attorneys from around the state. The all-day program usually offers 7.0 CLE credits (including a 1.0 ethics credit).</p> <p>The 2019 all-day event was held April 26 at its well-established location, the Seattle Airport Marriott. The theme was <i>Challenges at Home and Abroad – And the Spaces Between</i>. While invitations were extended beyond present members of the Senior Lawyers Section, to include all members of the WSBA who fall in the category of being Baby Boomers (around age 60 or older), attendance at the event declined slightly from prior years, with about 100 in attendance. The program featured many outstanding speakers including Welcome and Perspective by Lt. Governor Cyrus Habib and several outstanding speakers including Scott Osborne on <i>Homelessness and Affordable Housing</i>. Major credit goes to Carole Grayson who once again headed up this outstanding annual event.</p> <p>The Section’s Executive Committee is actively engaged in planning next year’s CLE event and also considering expanding to other CLE programs that will attract the rapidly expanding number of senior lawyers.</p> <p><i>NEW MINI-CLE</i></p> <p>Eleanor Doermann has led us in initiating this new event. On September 30, 2019, the Senior Lawyer Section launched its first mini-CLE webinar, broadcast live from the WSBA office. Jeanne Marie Clavere, WSBA Professional Responsibility Counsel, and Stacey Romberg, private practice attorney in Seattle, gave us an excellent one-hour presentation on Ethics and Technology. The turnout for the event was excellent, with 50 Senior Lawyers signing on as well as 40 non-section members. This allowed us to offer the webinar at no charge to Section members, while at the same time generating income for our Section.</p> <p><i>NEW COMMUNICATIONS SUBCOMMITTEE</i></p> <p>Scott Osborne is chair of this new program and will be attending our meeting. The Publications subcommittee has now been renamed the Communications Subcommittee. The focus of this meeting will be to frame the mission of this subcommittee and its membership. Others have volunteered to serve, and others are encouraged to join in implementing this new program.</p>

	<p>OTHER</p> <p>This past year, the Senior Lawyers Section has assisted and contributed to other events and causes pertinent to its basic mission. This has included the efforts of Jeanine Lutzenhiser, now serving on the Section’s Executive Committee, for the Section to support and participate in the growing WSBA Young Lawyer Liaisons Section Program. Our Task Force continues to investigate the dramatic changes in senior lawyer programs taking place in several major states to meet the broader interests of those reaching retirement age and at the same time assure the survival of these programs. Our section is going through major changes and developments that should broaden its mission and meet the challenges of the growing number of senior lawyers now making up a major segment of the state bar.</p>	
<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	<p>Quantity</p>	<p>Member Benefit</p>
	<p>0</p>	<p>Scholarships, donations, grants awarded</p>
	<p>0</p>	<p>Law school outreach events/benefits hosted</p>
	<p>0</p>	<p>Legislative bills reviewed/drafted</p>
	<p>3</p>	<p>Newsletters produced</p>
	<p>1</p>	<p>Mini-CLEs produced</p>
	<p>0</p>	<p>Co-sponsored half/day to multi-day CLEs with WSBA</p>
	<p>1</p>	<p>Receptions/forums hosted</p>
	<p>0</p>	<p>Awards given</p>
	<p>1</p>	<p>New Lawyer Outreach events/benefits</p>
		<p>Other (please describe):</p>
<p>2020 Goals & Priorities (Top 5)</p>	<p>1</p>	<p>TASK FORCE: Several members our Executive Committee have volunteered to serve on a Task Force formed to gather information on new senior lawyer programs adopted by the ABA and several state bars. The programs are designed to attract the expanding number of lawyers reaching senior status and thereby strengthen senior lawyer sections overall and even avoid their threatened collapse. Our state bar now has some 14,000 members falling in that category and only a small portion are attracted to our present programs. All of these dramatic changes suggest the need for change and expansion. That’s the goal and mission of the Task Force.</p>
	<p>2</p>	<p>EXPANDED PUBLICATIONS: Our past publication of <i>Life Begins</i> was increasingly expensive and of less interest overall to the expanding number of senior lawyers. Basic changes are</p>

		in store. The subject matter needs to be expanded and attuned to the changing makeup of the senior lawyers becoming a major part of our state bar. We are noew considering multiple publications focusing on lawyers practicing in all parts of the state and engaged in basically different professional pursuits. Also, the methods by which these publications can best be published and distributed are studied and implemented.
	3	BROADENED CLE PROGRAMS: Our present annual program is being restructured to appeal to a broader segment of senior lawyers. We have also included for the first time as part of our upcoming budget a mini-CLE. Our future goals are to strengthen these programs and at the same time introduce and implement additional seminars and educational programs that meet the needs and interests of more and more senior lawyers and the expanding variety of their interests.
	4	OUTREACH TO OTHERS: The focus of our section has always been senior lawyers. However, we are broadening our mission to include support and dealings with young lawyers. We now have a member of our Executive Committee serving as a liaison with the WSBA Young Lawyers Section.
	5	INVOLVEMENT IN BAR POLICY AND DECISIONS: As a section, we need to take a more active role in the overall administration. This includes having members of our Executive Committee attend meetings of the Board of Governors and participate in special programs and activities affecting the bar association and its members overall.

Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Senior Lawyer Section membership is primarily attorneys who have reached or are approaching their age of retirement. At the time that these attorneys commenced practice, the legal profession in our country was primarily made up almost entirely of white males. The legal profession has of course gone through radical change over the years and attorneys who commenced practice 50 or so years ago are part of that change. The Senior Lawyers Section is hoping to expand its membership to include the Baby Boomer generation and reach a much broader array of attorneys – far more females and those of vastly different cultures, races and religions. Our annual CLE has been tailored to attract the oncoming generation of seniors and fully address the ongoing changes that are taking place.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The one outstanding trait of the more senior generation of attorneys is their upbringing and adherence to the basic principles of professional behavior. It was something built into their professional makeup when initiated into practice many years ago when the focus was mostly on loyalty and providing outstanding service to clients. The focus today has turned more to competing for client business and maximizing earnings particularly in the much larger firms practicing nationally and worldwide. It’s a much different atmosphere.

Our annual CLEs increasingly address the mounting issues brought about by the dramatic changes occurring in the profession and the impact on senior lawyers in particular. Issues bearing on basic principles of professionalism have become an increasingly significant part of each annual event.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

While our membership is made up of senior lawyers, serious effort is being made to reach out to the needs and interests of the expanding generation of young lawyers. Jeanine Lutzenhiser has led this effort as our liaison to and from the Young Lawyers Section promoting and participating in their programs and events.

Please describe your Executive Committee’s relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*
-

Patrick Mead (section liaison) and Kevin Plachy (CLE function) continue to provide outstanding services to the Senior Lawyer Section. This has included and been key to carrying out our annual CLE. We are kept well-informed of major changes taking place and our participation in matters before the Board of Governors.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section’s webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Solo & Small Practice Section</i>	
Chair:	<i>Kari Petrasek</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	942
	Staff Lead:	Eleen Trang
	BOG Liaison:	Kim Hunter
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$39,916.00
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$12,220.05
Purpose:	<i>To help solo and small practice attorneys ethically conduct a profitable, satisfying business by acting as a clearing house for qualified law practice management and technology information.</i>	
2019 Accomplishments and Work in Progress:	Major accomplishments include: <ul style="list-style-type: none"> • Maintained our membership close to 1000 members, which in turn enhances the value of our list serve. • Produced 6 mini-CLE's which are free to our members. Each of them have been excellently received and had great feedback from our members. • We exceeded our budget projections with our mini-CLE's. We have found mini-CLE's to be more successful in reaching Section members, with attendance far exceeding the attendance we might get from a full-day CLE. • Produced the Solo & Small Firm Conference in partnership with WSBA and sponsored a reception. • Continually enhanced content on our WSBA web pages. • Hosted a couple member events, including a Mariner's game and pre-game social. 	

<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$4,690	Scholarships, donations, grants awarded
	\$50	Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
		Newsletters produced
	6	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	2	Receptions/forums hosted
		Awards given
	1	New Lawyer Outreach events/benefits
	Other (please describe):	
<p>2020 Goals & Priorities (Top 5)</p>	1	Continue to increase diversity on the EC
	2	Co-sponsor a networking event with another section and/or minority bar association
	3	Continue to help restore the annual WSBA Solo & Small Firm Conference into the premier solo and small firm networking event it was before
	4	Co-sponsor CLE's or other events at law schools or with other legal groups (i.e. WSAJ)
	5	Continue to work on creating a mentorship program to help recruit and train young/new lawyers.
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p> <p><i>Our membership is as diverse as WSBA membership. We recruit minorities to serve on the EC. We also plan to invite some minority bar associations to provide liaisons to our EC. Note: At least one of our existing EC members is also a member of several minority bar associations. Robin Nussbaum spoke with us and presented a mini-CLE at our annual EC retreat in February. Diversity is always one of our goals when selecting speakers for our CLE and webinars.</i></p>		

Please report how this section is addressing professionalism:

(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

Our CLE's help lawyers run the business end of their practices ethically and efficiently which in turn fosters better relations with other counsel and the courts. In particular, effective use of technology helps lawyers meet their obligations, manage trust accounts and manage communications with clients and opposing counsel.

On our list-serve, members frequently solicit advice and share experiences regarding legal issues and how to deal with opposing counsel, courts and staff.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

We usually have a liaison from the Young Lawyers Committee on our EC. The one we had this year regrettably had to step down for personal reasons.

We try to attend one or two law school events each year, encouraging students to join the Section.

We send letters to new admittees encouraging them to join the Section.

We participate in Open Sections Night in Seattle (and Spokane if it's presented there).

We participate in the mentor projects.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA staff are responsive to our requests for help. Our goal is to foster a productive, collaborative relationship with WSBA staff focusing on what we can do within the existing administrative structure. We will continue to push where we believe bureaucracy is unnecessarily hampering the work of the sections. We also have a decent working relationship with our BOG liaison.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	<i>Taxation Section</i>	
Chair:	<i>George Munro</i>	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	643
	Staff Lead:	Eleen Trang
	BOG Liaison:	P.J. Grabicki
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$21,421.31
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$18,430.53
Purpose:	<i>The purpose of the Taxation Section is to further the knowledge of the members and the WSBA in areas of the law involving federal, state and local taxation, to provide our members benefits including relevant CLEs and networking opportunities, and further the interests of the WSBA and the legal profession.</i>	
2019 Accomplishments and Work in Progress:	<p><i>The Taxation Section successfully operated its twelve subcommittees. Those subcommittees held meetings in their respectful sub-specialty area of tax law or otherwise accomplished their annual objectives. The subcommittees hosted a variety of events throughout the year including social events and panels.</i></p> <p><i>In addition, the Taxation Section had success with program and social event sponsorship and fostering new and young lawyer membership through hosting a variety of events, receptions, and CLEs throughout the year. These events included the annual Taxation Luncheon, the annual winter reception, and Tax Court judge receptions.</i></p>	

Furthermore, the Taxation Section created a new pro bono program. The purpose of the new pro bono program is to assist pro se taxpayers on or before their Tax Court trial.

The Section will endeavor to increase success in these areas as well as provide easier access to Section information for members, increase an emphasis on professionalism, and be a better resource in bridging the gap between the Section and the WSBA as an organization.

Please quantify your section's current member benefits: <i>For example:</i> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	\$6,800	Scholarships, donations, grants awarded
	1	Law school outreach events/benefits hosted
	Not Counted	Legislative bills reviewed/drafted
		Newsletters produced
	1	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA
	4	Receptions/forums hosted
	1	Awards given
	1	New Lawyer Outreach events/benefits
	Other (please describe):	

2020 Goals & Priorities (Top 5)	1	Grow Section membership and increase participation by the members
	2	Host multiple networking events in FY 2020
	3	Better connect with the local school in the area and encourage young lawyers and JD/LLM students to join the Section by providing tailored networking opportunities and career support
	4	Consider and implement other methods to create value to our members through member benefits including putting on a CLE

	5	Increase communication to the Membership regarding events and opportunities to participate in the Section
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Please report how this section is addressing diversity:

(Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)

The Taxation Section addresses diversity and promotes a culture of inclusion by inviting all WSBA members to join and participate without regard to race, color, religion, gender, gender identity or expression, sexual orientation, national origin, genetics, disability, age, or veteran status.

Additionally, the Taxation Section held its first ever elections to determine the Executive Committee for FY 2019. Every person who requested to be included on the ballot for a position, who qualified for that position under the Taxation Section bylaws, was included on the ballot without regard to race, color, religion, gender, gender identity or expression, sexual orientation, national origin, genetics, disability, age, or veteran status.

Please report how this section is addressing professionalism:

(Does the section’s work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)

The Taxation Section works to promote respect and civility by fostering professional relationships among private sector attorneys and government attorneys. Tax law most often requires these two groups to work on opposite sides. The Taxation Section provides the landscape where attorneys can come together and build professional relationships outside a confrontational situation. One example is our Tax Court judge receptions, where government attorneys and private practice attorneys have the opportunity to get acquainted and discuss topics other than their current caseload. In addition, the Tax Section hosts brown bag lunches in which Washington state Department of Revenue attorneys can meet and network with private attorneys. Furthermore, the Tax Section implements a co-chair model for multiple sub-committees such that those sub-committees are chaired by both a government attorney and a private attorney. This co-chair model fosters a more cohesive Section in which multiple viewpoints are considered, especially at Executive Committee meetings.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

The Taxation Section is committed to integrating new and young lawyers into the broader Taxation Section framework. In addition to hosting a Young Lawyer Liaison, the Taxation Section has a stand-alone Young Lawyer Committee. The Young Lawyer Committee regularly meets with JD students, tax LLM students, and young lawyers to discuss employment, networking, and leadership opportunities. In addition, the Young Lawyer Committee continues to build and foster relationships with the University of Washington School of Law and Seattle University School of Law. These schools co-host events and otherwise work with the committee to help connect students and young attorneys with more experienced practitioners. The Young Lawyer Committee puts on events throughout the year. Events have included networking

breakfast events and panel discussions at the law schools. Similar events are being planned for this upcoming year.

The Taxation Section actively provides leadership opportunities for young lawyers. The Taxation Section places the same value on input from its Young Lawyer Committee as all other committees. In fact, the current Chair of the Tax Section was the Young Lawyer Committee Chair when he was elected to the executive Tax Section Secretary position. Also, we have expanded committee positions to accommodate young lawyers interested in participating.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

WSBA staff assigned to the Taxation Section is always available and willing to answer questions and provide additional information on matters related to the WSBA. In addition, WSBA staff regularly attend and provide helpful input at Executive Committee meetings.

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org

WASHINGTON STATE BAR ASSOCIATION

SECTION ANNUAL REPORT – 2019

Deadline: Friday, December 6, 2019

Email Annual Report to: sections@wsba.org

Name of the Section:	World Peace through Law Section	
Chair:	Regina Paulose	
Section Information: <i>*To be completed by WSBA*</i>	Membership Size: <i>(As of December 15, 2019)</i>	120
	Staff Lead:	Patrick Mead
	BOG Liaison:	Kyle Sciuchetti
	FY19 revenue (\$): <i>As of September 30, 2019</i>	\$5,395.11
	FY19 direct expenses (\$): <i>(As of September 30, 2019; does not include the Per-Member-Charge)</i>	\$2,674.01
Purpose:	<p>The World Peace Through Law Section of the Washington State Bar Association seeks to promote the rule of law and peaceful resolution of disputes among states and to foster education on public international law and human rights. The Section provides a forum for ideas, offers continuing legal education programs, publishes a newsletter, engages in activities with governmental entities and non-governmental organizations who share an interest in world peace through law and undertakes such other service as may benefit the members, the legal profession and the public.</p>	
2019 Accomplishments and Work in Progress:	<ul style="list-style-type: none"> • Produced 12 mini CLE’s for the entire year. Representing different topics and people. • Sponsored 1 CLE abroad in Ireland. • Produced 2 in person CLE’s – Seattle U and WSBA • Hosted teleconferences of non-attorney speakers • Created a partnership with Seattle U Law to produce a law review issue dedicated to the intersection of WPTL and the environment. 	

	<ul style="list-style-type: none"> • Created a book club which will launch in 2020 • Exploring avenues to partner with other sections including dinners • Exploring avenues to create film festival/movie nights on human rights and peace issues 	
<p>Please quantify your section's current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
		Scholarships, donations, grants awarded
		Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
		Newsletters produced
	12	Mini-CLEs produced
	1	Co-sponsored half/day to multi-day CLEs with WSBA: International Law in Domestic Practice
		Receptions/forums hosted
	1	Awards given – WPTL award given to MELA section nominee.
	1	New Lawyer Outreach events/benefits – January 2019 introduction to international law at UW.
5	Other (please describe): <ul style="list-style-type: none"> • Communications and activities are on listserv. • Full day CLE with Seattle U on Health and Human Rights. • Sponsorship of Mass Atrocity CLE in Dublin. • Human Rights Day – City of Seattle. • Teleconferences with non-attorneys on human rights and peace issues. 	
2020 Goals & Priorities (Top 5)	1	Increase participation of newly admitted or soon to be admitted lawyers
	2	Increase collaboration of section with other WSBA sections and minority bar membership organizations
	3	Increase section participation
	4	Increase community presence among non-lawyers

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<p>Please report how this section is addressing diversity:</p> <p>In our programming and efforts to reach across the communities, it is a constant focus of the leadership to commit to having diverse speakers present as part of our CLE's. Our section is proud to say that for 2020 all of our speakers represent different geographies and strike an important gender balance. In addition, this year we launched our human rights award which seeks to increase the visibility of human rights work accomplished in communities by minority bar associations.</p>		
<p>Please report how this section is addressing professionalism: <small>(Does the section's work promote respect and civility within the legal community? Does it seek to improve relationships between and among lawyers, judges, staff and clients? Does it raise awareness about the causes and/or consequences of unprofessional behavior?)</small></p> <p>WPTL seeks to incorporate a critical element of ethics in all our programming where possible.</p>		
<p>Please report how this section is integrating new and young lawyers into its work: <small>(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)</small></p> <p>The section seeks to find new ways to increase the voice of newly admitted attorneys and soon to be attorneys. We will be incorporating their voices into our April 2020 CLE on Cultural Heritage Protections and the Law and seek to partner with them in both law review publications as well as asking them to engage in the book club.</p>		
<p>Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • <i>Quality of WSBA staff support/services provided to Section Executive Committee</i> • <i>Involvement with Board of Governors, including assigned BOG liaison</i> • <i>Ideas you have on ways WSBA can continue to strengthen/support services to sections.</i> • <p>Our relationship with both entities can be described as dynamic. It is probably the best way to describe it considering we are constantly in touch with the WSBA staff about our programming and creating new programming. In addition the BOG, particularly Kyle S and President Rajeev R. have been amazing support and have heard us on the things that need to be changed.</p>		

Note: Annual Reports will be provided to the WSBA Executive Director, Board of Governors and posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2020 BOG Meeting Materials.

Return by December 6, 2019 to sections@wsba.org



To: Washington State Bar Association Board of Governors
Washington State Bar Foundation Trustees

From: Richard Bird, Treasurer

Date: December 17, 2019

Re: Treasurer's Report, Year Ending September 30, 2019

Attached are the final financial statements for the Washington State Bar Foundation for the fiscal year 2019. Below is a summary of the net cash fund balances.

The WSBA provides staffing, office space, and support to the Foundation in order for the Foundation to fulfill its mission to support WSBA programs that promote diversity within the legal profession and enhance the public's access to, and understanding of, the justice system. This support includes the time and expertise of WSBA's Controller, who keeps the Foundation's books.

WSBF Cash Fund Balances

For the WSBF Cash Fund balances as of September 30, 2019, please see the attached financial statement dated December 17, 2019, regarding the Foundation Financial Statements as of September 30, 2019.

Notes and Comments

The Foundation recognized revenue of \$474,058, which was \$23,474 higher than the prior year. The Foundation's overall expenses increased by \$145,375, much of which included the Foundation's FY19 distribution of \$275,000 to WSBA, which was \$75,000 higher than the previous year. Indirect costs (staffing/operating provided by WSBA as in-kind support) totaled \$155,523, representing a very nominal decrease from the previous year.

In addition to the forthcoming FY20 disbursement to WSBA (which will be at least \$10,000 over what was budgeted), \$28,072 was disbursed to WSBA in July, 2019 in support of the Access to Justice Conference; \$4,150 was distributed in November, 2018 to cover the cost of sponsor meals at the 2018 APEX Awards; and \$30,000 was distributed from the now-closed Presidents' & Governors' Diversity Scholarship Fund. (Gifts of \$7,500 from this fund were provided to each of Washington's three law schools, and the University of Idaho College of Law for diversity scholarships, in keeping with the original intent of the fund.)

Conclusion

Since the first professional staff dedicated solely to the Foundation was hired in 2010, the Foundation has been growing in size and sophistication and its financial systems and policies appear appropriate to our current capacity. The Foundation is striving to become more streamlined, and execution of and updates to the Fund Development and Disbursement Policy will ensure that the Foundation fulfills its mission and that donor intent is met.



Advancing WSBA's Vision of a Just Washington

To: Terra Nevitt
 From: Maggie Yu, Controller
 Re: Foundation Financial Statements as of September 30, 2019
 Date: December 17, 2019

Attached are the Audited financial statements for the Washington State Bar Foundation as of September 30, 2019.

**WSBF Fund Balances¹
 As of September 30, 2019**

Fund Name	Cash	Committed Funds	Available Funds
Call to Duty	50	0	50
Diversity	1,875	0	1,875
ELUL Midyear Scholarship Fund	793	(793)	0
McMahon	8,352	0	8,352
Moderate Means	350	0	350
Peter Greenfield Internship	5,903	0	5,903
Taxation Scholarship Fund	2,200	(2,200)	0
WSBA Justice & Diversity Opportunities	2,000	0	2,000
Unrestricted	<u>284,228</u>	<u>0</u>	<u>284,228</u>
Total Fund Balances	<u>\$305,752</u>	<u>(2,993)</u>	<u>\$302,759</u>

¹ Excludes fixed assets (\$14,400 in artwork).

WSBA Foundation
Audited Statement of Activities (Profit & Loss)
 October 2018 through September 2019

	Oct '18 - Sep 19
Ordinary Income/Expense	
Income	
Contributions & Grants Income	
Corporate	34,794
Foundations & Nonprofits	9,800
Government	2,000
Individuals/Private Donors	260,249
Other	2,400
Total Contributions & Grants Income	309,243
In Kind Donations	160,809
Total Income	470,052
Expense	
Reconciliation Discrepancies	0
Donor Database Expense	2,088
In Kind Expenses	
WSBA Staff Support	151,974
WSBA Expenses	3,549
In Kind Expenses - Other	5,286
Total In Kind Expenses	160,809
Bank Service Charges	228
Credit Card Fees	1,162
Dues	180
Insurance	954
IRS Penalty	3,122
Licenses and Permits	50
Program Expense	
Taxation Scholarship	5,000
Pres Diversity Scholarship Fund	30,000
ELUL Section Scholarship Fund	858
WSBA Justice & Div. Opportunity	3,000
WSBA Funding	275,000
Peter Greenfield Scholarship	2,500
Access to Justice Projects	28,072
Total Program Expense	344,430
Total Expense	513,022
Net Ordinary Income	-42,971
Other Income/Expense	
Other Income	
Interest Income	4,006
Total Other Income	4,006
Other Expense	
Other Expenses	4,932
Total Other Expense	4,932
Net Other Income	-926
Net Income	-43,897

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Cash Basis

WSBA Foundation
Audited Balance Sheet
As of September 30, 2019

	<u>Sep 30, 19</u>
ASSETS	
Current Assets	
Checking/Savings	
Wells Fargo Checking	29,559
Wells Fargo Heritage Money Mkt	271,679
Total Checking/Savings	<u>301,238</u>
Total Current Assets	301,238
Fixed Assets	
Artwork	14,400
Total Fixed Assets	<u>14,400</u>
TOTAL ASSETS	<u>315,638</u>
LIABILITIES & EQUITY	
Equity	
Increase/Decrease Fund Balance	359,535
Net Income	-43,897
Total Equity	<u>315,638</u>
TOTAL LIABILITIES & EQUITY	<u>315,638</u>