

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

Board of Governors Meeting
Public Session

July 27-28, 2018
The Hilton
Vancouver, Washington

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

General Rules

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.]

General Rules

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:

- (a) protection of the public;
- (b) advancement of the administration of justice and the rule of law;
- (c) meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;
- (d) 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;
- (e) delivery of affordable and accessible legal services;
- (f) efficient, competent, and ethical delivery of legal services;
- (g) protection of privileged and confidential information;
- (h) independence of professional judgment;
- (i) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- (j) 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.]

General Rules

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.]

General Rules

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.]

General Rules

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.]

General Rules

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.]



**2017-2018
WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA DUE	BOARD BOOK MATERIAL DEADLINE*	EXECUTIVE COMMITTEE 2:00 pm–4:00 pm* October 26, 2017
November 15, 2017 (<i>afternoon</i>) November 16, 2017 (<i>all day</i>)	WSBA Conference Center Seattle, WA	BOG Meeting	October 26, 2017	November 1, 2017	
January 18-19, 2018	Bellwether Bellingham, WA	BOG Meeting	December 21, 2017	January 3, 2018	December 14, 2017
March 8, 2018	Red Lion Olympia, WA	BOG Meeting	February 15, 2018	February 21, 2018	February 15, 2018
March 9, 2018	Temple of Justice	BOG Meeting with Supreme Court			
May 17-18, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	April 26, 2018	May 2, 2018	April 26, 2018
July 26, 2018	Hilton Vancouver, WA	BOG Retreat	June 28, 2018	July 11, 2018	June 28, 2018
July 27-28, 2018		BOG Meeting			
September 27-28, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	September 6, 2018	September 12, 2018	September 6, 2018 8:00 am – 10:00 am
September 27, 2018	Sheraton	WSBA APEX Awards Banquet			

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

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

*Unless otherwise noted.



**2018-2019
WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

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

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

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*Unless otherwise noted.



WSBA Board of Governors

CONGRESSIONAL DISTRICT MAP



Bill Pickett
President



Rajeev Majumdar
President-Elect



Bill Hyslop
Immediate Past President



Paula Littlewood, Exec. Dir.
Secretary

2017-2018





WSBA Board of Governors

CONGRESSIONAL DISTRICT MAP



Bill Pickett
President



Rajeev Majumdar
President-Elect



Open Position
Immediate Past President



Paula Littlewood, Exec. Dir.
Secretary

2018-2019



BASIC CHARACTERISTICS OF MOTIONS

*From: The Complete Idiot's Guide to Robert's Rules
The Guerilla Guide to Robert's Rules*

MOTION	PURPOSE	INTERRUPT SPEAKER?	SECOND NEEDED?	DEBATABLE?	AMENDABLE?	VOTE NEEDED
1. Fix the time to which to adjourn	Sets the time for a continued meeting	No	Yes	No ¹	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No ²	Yes	Majority
4. Raise a Question of Privilege	Asks urgent question regarding to rights	Yes	No	No	No	Rules by Chair
5. Call for orders of the day	Requires that the meeting follow the agenda	Yes	No	No	No	One member
6. Lay on the table	Puts the motion aside for later consideration	No	Yes	No	No	Majority
7. Previous question	Ends debate and moves directly to the vote	No	Yes	No	No	Two-thirds
8. Limit or extend limits of debate	Changes the debate limits	No	Yes	No	Yes	Two-thirds
9. Postpone to a certain time	Puts off the motion to a specific time	No	Yes	Yes	Yes	Majority ³
10. Commit or refer	Refers the motion to a committee	No	Yes	Yes	Yes	Majority
11. Amend an amendment (secondary amendment)	Proposes a change to an amendments	No	Yes	Yes ⁴	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes ⁴	Yes	Majority
13. Postpone indefinitely	Kills the motion	No	Yes	Yes	No	Majority
14. Main motion	Brings business before the assembly	No	Yes	Yes	Yes	Majority

1 Is debatable when another meeting is scheduled for the same or next day, or if the motion is made while no question is pending

2 Unless no question is pending

3 Majority, unless it makes question a special order

4 If the motion it is being applied to is debatable



Discussion Protocols Board of Governors Meetings

Philosophical Statement:

"We take serious our representational responsibilities and will try to inform ourselves on the subject matter before us by contact with constituents, stakeholders, WSBA staff and committees when possible and appropriate. In all deliberations and actions we will be courageous and keep in mind the need to represent and lead our membership and safeguard the public. In our actions, we will be mindful of both the call to action and the constraints placed upon the WSBA by GR 12 and other standards."

Governor's Commitments:

1. Tackle the problems presented; don't make up new ones.
2. Keep perspective on long-term goals.
3. Actively listen to understand the issues and perspective of others before making the final decision or lobbying for an absolute.
4. Respect the speaker, the input and the Board's decision.
5. Collect your thoughts and speak to the point – sparingly!
6. Foster interpersonal relationships between Board members outside Board events.
7. Listen and be courteous to speakers.
8. Speak only if you can shed light on the subject, don't be repetitive.
9. Consider, respect and trust committee work but exercise the Board's obligation to establish policy and insure that the committee work is consistent with that policy and the Board's responsibility to the WSBA's mission.
10. Seek the best decision through quality discussion and ample time (listen, don't make assumptions, avoid sidebars, speak frankly, allow time before and during meetings to discuss important matters).
11. Don't repeat points already made.
12. Everyone should have a chance to weigh in on discussion topics before persons are given a second opportunity.
13. No governor should commit the board to actions, opinions, or projects without consultation with the whole Board.
14. Use caution with e-mail: it can be a useful tool for debating, but e-mail is not confidential and does not easily involve all interests.
15. Maintain the strict confidentiality of executive session discussions and matters.



BOARD OF GOVERNORS

WSBA VALUES

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the “WSBA Community”) in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following:

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and inclusion
- Organizational history, knowledge, and context
- Open exchanges of information



BOARD OF GOVERNORS

GUIDING COMMUNICATION PRINCIPLES

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirit and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- ◆ I will treat each person with courtesy and respect, valuing each individual.
- ◆ I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- ◆ I will assume the good intent of others.
- ◆ I will speak in ways that encourage others to speak.
- ◆ I will respect others' time, workload, and priorities.
- ◆ I will aspire to be honest and open in all communications.
- ◆ I will aim for clarity; be complete, yet concise.
- ◆ I will practice "active" listening and ask questions if I don't understand.
- ◆ I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- ◆ When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- ◆ I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- ◆ I will focus on reaching understanding and finding solutions to problems.
- ◆ I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- ◆ I will maintain a sense of perspective and respectful humor.



BOARD OF GOVERNORS

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President

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November 2014

BEST PRACTICES AND EXPECTATIONS

❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

❖ Accountability by Individual Governors

- Assume Good Intent
- Participation/Preparation
- Communication
- Relevancy and Reporting

❖ Team of Professionals

- Foster an atmosphere of teamwork
 - Between Board Members
 - The Board with the Officers
 - The Board and Officers with the Staff
 - The Board, Officers, and Staff with the Volunteers
- We all have common loyalty to the success of WSBA

❖ Work Hard and Have Fun Doing It

Working Together to Champion Justice

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



**Board of Governors Meeting
The Hilton
Vancouver, WA
July 27-28, 2018**

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

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

FRIDAY, JULY 27, 2018

GENERAL INFORMATION	2
1. AGENDA	21

8:00 A.M.

2. EXECUTIVE SESSION

- a. Approval of May 17-18, 2018, Executive Session Minutes **(action)**..... E-2
- b. Approval of June 25, 2018, Special Meeting Executive Session Minutes **(action)** E-13
- c. President's and Executive Director's Reports
- d. Client Protection Board Gift Recommendations – Julie Shankland **(action)**..... E-15
- e. Discipline Report (written)..... E-22
- f. Litigation Report – Julie Shankland..... E-31
- g. Meeting Evaluation Summary..... E-48

12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS

1:15 P.M. – PUBLIC SESSION

- Welcome
- Report on Executive Session
- President's Report & Executive Director's Report
- Consideration of Consent Calendar*

MEMBER AND PUBLIC COMMENTS

This time period is for guests to raise issues of interest.

OPERATIONAL

3. FIRST READING/ACTION CALENDAR

- a. Budget and Audit Committee Recommendations – Treasurer Kim Risenmay, Chair; Ann Holmes, Chief Operations Officer; and Tiffany Lynch, Associate Director of Finance
 - 1. Draft WSBA FY2019 Budget **(first reading)**..... 26

* See Consent Calendar. Any items pulled from the Consent Calendar will be scheduled at the President's discretion.

2. Continuing Legal Education (CLE) Revenue Sharing Model (action)	124
3. Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) License Fees and Client Protection Fund Assessment (action)	136
4. Law Clerk Program Annual Fee (action)	164

4:00 P.M.

- b. Committee on Professional Ethics (CPE) Report and Recommendation re Suggested Amendments to RPC 1.2 and 8.4 Concerning Marijuana-Related Conduct – Don Curran, CPE Chair (phone); Lucinda Fernald, CPE Subcommittee Chair; and Jeanne Marie Clavere, Professional Responsibility Counsel (phone) **(action)** 166
- c. Update from Washington New and Young Lawyers Committee – Mike Mocer, Chair; Kim Sandher, Chair-elect; and Ana LaNasa-Selvidge, Member Services and Engagement Manager

SATURDAY, JULY 28, 2018

8:00 A.M. – PUBLIC SESSION

OPERATIONAL (continued)

d. Approve March 19, 2018, Special Meeting Public Session Minutes (action)	179
e. Selection of 2018-2019 WSBA Treasurer (action)	189
f. Update from Personnel Committee – Governor Angela Hayes, Chair	190
g. Update re Free Legal Research Tool for Members – Terra Nevitt, Director of Advancement/Chief Development Officer; Ana LaNasa-Selvidge, Member Services and Engagement Manager; and Destinee Evers (phone), Practice Management Assistance Program Specialist	196
h. Update re Member Health Insurance – Kim Hunter, Governor; Terra Nevitt, Director of Advancement/Chief Development Officer, and Ana LaNasa-Selvidge, Member Services and Engagement Manager	201

10:00 A.M.

- i. Update re Mandatory Malpractice Insurance – Hugh Spitzer, Chair, and Doug Ende, Chief Disciplinary Counsel
 203 |
- j. Update from Civil Litigation Rules Drafting Task Force – Ken Masters, Chair
 215 |
- k. Recommendations from Court Rules and Procedures Committee – Jefferson Coulter, Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) Subcommittee Chair (phone), and Julie Shankland, Interim General Counsel **(first reading)**
 323 |
- l. Committee on WSBA Mission Performance and Review Update and Recommendations **(first reading)**
 391 |
- m. Update from Addition of New Governors Work Group – Governor Alec Stephens and Governor Dan Bridges, Co-Chairs
 457 |

- n. Proposed Bylaw Amendment re Endorsing Candidates – Governor Chris Meserve
(first reading) 462
- o. Approve Member Engagement Work Group Charter and Roster – President-elect
Rajeev Majumdar, and Sara Niegowski, Chief Communications and Outreach
Officer **(action)** 467
- p. Continued Discussion of Referendum Process Review Work Group Recommendations –
Governor Kim Risenmay, Chair, and Julie Shankland, Interim General Counsel 471
- q. Appoint Chairs and Vice-Chairs to WSBA Committees and Boards **(action)** **late materials**

GOVERNOR ROUNDTABLE

This time period is for Board members to raise new business and issues of interest.

OPERATIONAL (continued)

- 4. **CONSENT CALENDAR** 512
 - a. May 17-18, 2018, Public Session Minutes 513
 - b. June 25, 2018, Special Meeting Public Session Minutes 533
- 5. **INFORMATION**
 - a. Executive Director’s Report 535
 - b. BOG Activity Reports 644
 - c. FY2018 Third Quarter Management Report 648
 - d. Demographics of WSBA Committee Applicants 660
 - e. President-elect Selection Work Group Roster **late materials**
 - f. Committee on Professional Ethics Advisory Opinion (#201802) 664
 - g. ABA 2018 Annual Meeting Summary of Resolutions 669
 - h. Diversity and Inclusion Events 677
 - i. Financial Statements
 - 1. Financial Statements as of April 30, 2018 679
 - 2. Investment Update as of April 30, 2018 723
- 6. **PREVIEW OF SEPTEMBER 27-28, 2018, MEETING** 725

2017-2018 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Financials
- FY2017 Fourth Quarter Management Report
- BOG 2017-2018 Legislative Committee Priorities
- WSBA Legislative Committee Recommendations
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (information)
- WSBF Annual Report

JANUARY (Bellingham)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CFP) Board Annual Report
- Financials
- FY2017 Audited Financial Statements
- FY2018 First Quarter Management Report
- Legislative Report
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Third-Year Governors Candidate Recruitment Report

MARCH (Olympia)

Standing Agenda Items:

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

May (Seattle)

Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2018 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- WSBA Awards Committee Recommendations (Executive Session)

JULY (Vancouver)

Standing Agenda Items:

- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2019 Budget
- FY2018 Third Quarter Management Report
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

SEPTEMBER (Seattle)

Standing Agenda Items:

- ATJ Board Report
- 2019 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2019 Budget
- Legal Foundation of Washington and LAW Fund Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

Board of Governors – Action Timeline

Description of Matter/Issue	First Reading	Scheduled for Board Action
Continuing Legal Education (CLE) Revenue Sharing Model	May 17-18, 2018	July 27-28, 2018
Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) License Fees and Client Protection Fund Assessment	May 17-18, 2018	July 27-28, 2018
WSBA FY2019 Budget	July 27-28, 2018	Sept 27-28, 2018
Committee on WSBA Mission and Performance and Review (CMPR) Update and Recommendations	July 27-28, 2018	Sept 27-28, 2018
Recommendations from Court Rules and Procedures Committee	July 27-28, 2018	Sept 27-28, 2018
Proposed Bylaw Amendment re Endorsing Candidates	July 27-28, 2018	Sept 27-28, 2018

To: Board of Governors

From: Budget and Audit Committee

Re: Agenda Item 3.a.1: Draft FY 2019 Budget

Date: July 19, 2018

FIRST READING: Consideration of Draft FY2019 Budget.

The Budget and Audit Committee unanimously recommends that the Board of Governors consider the Draft FY2019 Budget on first reading, as presented to the Committee on June 18, 2018.

FISCAL CONTEXT

The WSBA budget is a policy document and management tool that allocates funds to fulfill our regulatory responsibilities, serve and protect the public, and support our members in maintaining success in the practice of law. Each year, we work to build a fiscally responsible budget designed to meet the needs of our members in a diverse, rapidly changing profession. We set budget parameters based on current and multi-year projections of revenues, expenses, and reserves; looking closely at programs, operations, and resources to see what is working and what is not.

The FY19 draft budget advances WSBA's mission to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice. It enables WSBA to support members, and to advance and promote: (1) access to the justice system, (2) diversity, equity, and cultural understanding throughout the legal community, (3) the public's understanding of the rule of law and its confidence in the legal system, (4) a fair and impartial judiciary, and (5) the ethics, civility, professionalism, and competence of the Bar.

The FY19 draft budget also supports programs and services such as the following, which help assure competent and qualified legal professionals, and promote the role of legal professionals in society:

- Over 140 credit hours of free and low cost CLE programs, including the Legal Lunchbox series and New and Young Lawyer education programs
- Help from our confidential Ethics Line
- Career consultation, including Job Seekers Group
- Free legal research tool
- Mentorship programming
- Member Assistance consultation programming; and WSBAConnects, a 24/7 confidential statewide wellness benefit to help address issues related to mental health and addiction, career management, family, caregiving, daily living, health and well-being, and more
- Practice management consultation and resources to help achieve and maintain a successful law practice, including: ABA publications and retirement plans; professional liability insurance; and billing, document management, file sharing, conflict check, cloud practice management, merchant accounting, and other business systems

- Public Service training and programs (Moderate Means and Call to Duty)
- 29 practice sections and numerous WSBA committees, task forces, and panels
- Financial accommodations through the WSBA Hardship Option and Payment Plan

After providing a high level comparison of the FY19 draft and FY18 budgets, this memorandum takes a deeper look at the FY19 draft budget by fund (and fund reserves as applicable): (1) the General Fund; (2) the Capital Budget; (3) the Continuing Legal Education (CLE) Fund; and (4) the Client Protection Fund (CPF). In keeping with past practice, the memorandum also provides background information on (5) the Sections Fund budgets and the Per-Member Charge (Sections budgets are not due until July 13, and will be presented at the Committee's next meeting). Budget details are included in Attachments A through D, including narratives on each cost center page in the budget to better facilitate the Committee's review. Additional background information is included in Attachments E through I about several areas, as requested by the Committee: (1) NWLawyer, (2) Deskbooks, (3) the APEX Dinner, (4) the Washington State Bar Foundation, and (5) Section Autonomy.

We look forward to presenting the Draft FY2019 Budget to the Board on July 27.

HOW THE FY19 DRAFT BUDGETS COMPARE TO THE FY18 BUDGET

General Fund Budget	FY18	FY19	Difference
• Revenue	\$18,913,199	\$20,222,324	\$1,309,125
• Expenses	\$19,645,474	\$20,232,435	\$586,961
• Net Income/(Loss)	(\$732,275)	(\$10,111)	(\$722,164)
• Projected Reserves	\$2,631,476	\$2,621,365	(\$10,111)
CLE Fund Budget	FY18	FY19	Difference
• Revenue	\$2,032,235	\$2,039,500	\$7,265
• Expenses	\$2,046,744	\$1,827,538	(\$219,206)
• Net Income/(Loss)	(\$14,509)	\$211,962	\$226,471
• Projected Reserves	\$471,073	\$683,035	\$211,962
Client Protection Fund Budget	FY18	FY19	Difference
• Revenue	\$992,500	\$992,500	\$0
• Expenses	\$566,813	\$667,919	\$101,106
• Net Income/(Loss)	\$425,687	\$324,581	(\$101,106)
• Projected Reserves	\$3,667,986	\$3,992,567	\$324,581

DRAFT FY19 BUDGETS

1. GENERAL FUND BUDGET AND RESERVES

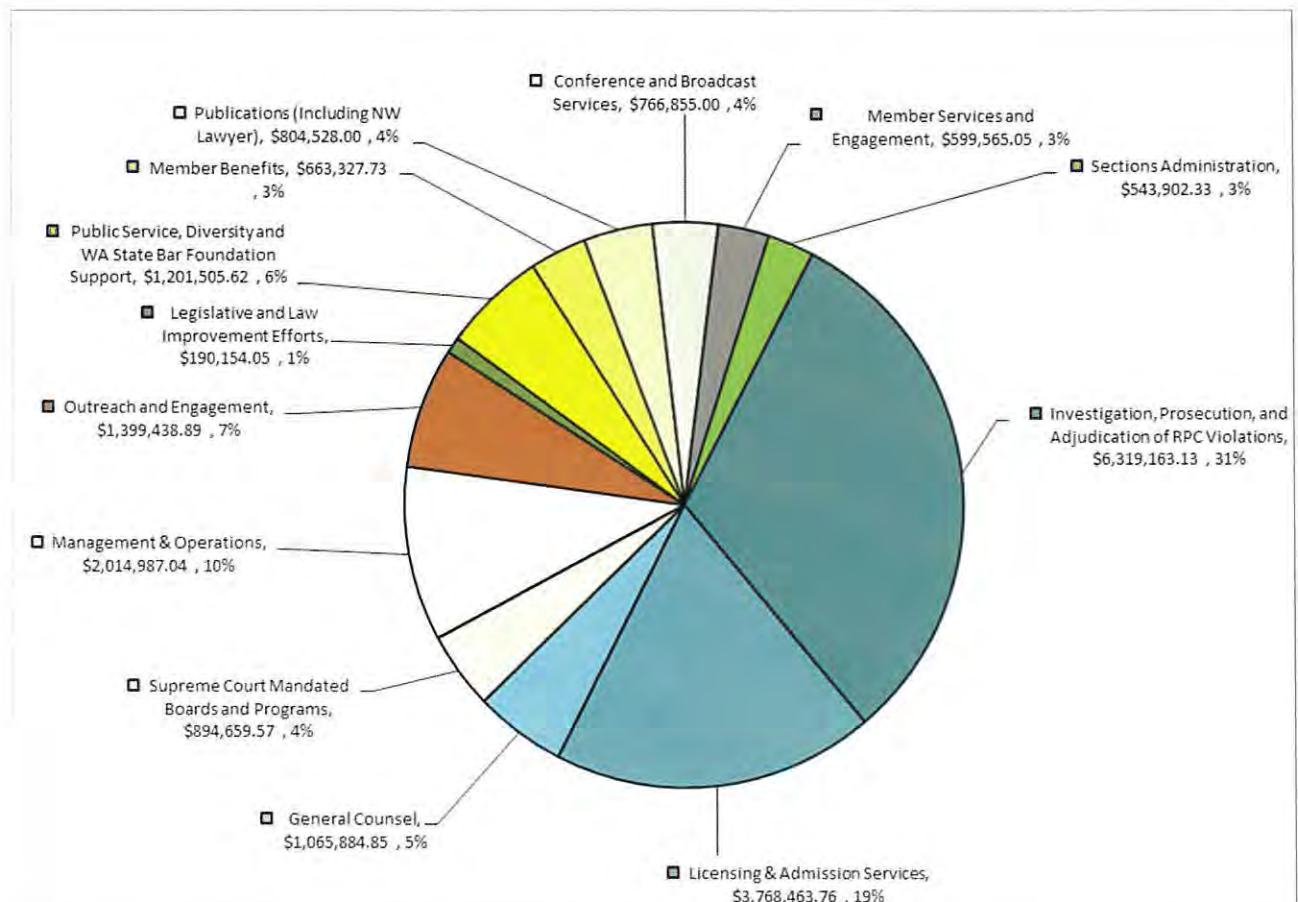
A. Overview

The General Fund is supported by license fees, consists of 30 cost centers, and supports the majority of the WSBA's work, including regulatory functions and most services to members and the public. The draft FY19 General Fund budget is built on lawyer license fees of \$453, as previously set by the Board and deemed reasonable by the Supreme Court, and LPO/LLLT license fees of \$200, as the Budget and Audit Committee has recommended to the Board.

The General Fund Draft Budget assumes revenue of \$20,222,324 and expenses of \$20,232,435, with a budgeted net result of (\$10,111). WSBA-wide, FTE are reduced from 141.15 to 140.75 FTE. Based on efficiencies and savings seen at the end of FY17, and assuming WSBA meets rather than exceeds expectations of both the FY18 budget and the FY19 Draft Budget presented, General Fund reserves are anticipated to be at least \$2.6 million at the end of FY19.

As you review General Fund cost center narratives and data, note that a net negative means that the cost center is supported by license fee revenues; a net positive means that it generates sufficient non-license fee revenues to support itself (*Attachment A*).

B. Draft FY19 General Fund Expenses by WSBA Programs and Services



C. How the FY19 Draft General Fund Budget Compares to the FY18 Budget

General Fund Budget Summary	FY18	FY19	Difference
• Revenue	\$18,913,199	\$20,222,324	\$1,309,125
• Expenses	\$19,645,474	\$20,232,435	\$586,961
• Net Income/(Loss)	(\$732,275)	(\$10,111)	(\$722,164)
• Projected reserves	\$2,631,476	\$2,621,365	(\$10,111)
Revenue Changes from FY18 Budget (\$20,000 or greater)			Budget Impact
• License fees: revenue at \$449 for .25 fiscal year; \$453 for .75 fiscal year			825,000
• MCLE Fees: increase based on approved fee structure change			289,000
• LPO License Fees: increase from fee structure change (<i>pending BOG approval</i>)			65,400
• New Member Programs Product Sales: increase consistent with actual revenues			55,000
• Law Clerk Fees: increase in annual fees from \$1,500 to \$2,000 (<i>pending BOG approval</i>)			52,000
• Interest on Investments: increase consistent with actual revenues			45,000
• Donations: increase in Diversity and Public Service Programs from WSB Foundation			35,000
• NW Lawyer Classified Advertising & Job Target: increase consistent with actual revenues			25,000
• Pro Hac Vice: increase consistent with actual revenues			20,000
• NW Lawyer Display Advertising, General and Professional Announcements: reduction based on anticipated revenue and commission expense for contracted advertiser			(27,500)
• Recovery of Discipline Costs: reduction based on projected recoverable costs			(35,000)
• Variety of other revenue changes			(39,775)
Total Increase in Revenue from FY18			\$1,309,125
Expense Changes from FY18 Budget (\$20,000 or greater)			Budget Impact
• Salaries for all funds: net of (1) 3% market salary pool; and (2) net decrease of 0.4 FTE			404,367
• Medical: increase assumes a rate increase of 4.0% in FY19			145,000
• Rent: operating costs, expected increases to leasehold excise taxes and metropolitan improvement district assessments, and lower recovery of CLE facilities charges			52,000
• Capital Labor: IT staff development of software projects in the capital budget, which can be capitalized as an asset when the project is complete. This changes depending on workload for the year. Reduction in this amount results in an increase in indirect expenses			46,900
• Retirement: costs based on percentage of increased gross salary; no change in employer contribution rate			37,265
• Temporary Employees: increase due to additional temps for anticipated staff family leave and interns and increased rates for recurring temporary positions			28,880
• BOG Conference Attendance: increased to include all governors to attend Western States Bar Conference in FY19 as requested by President Pickett			22,500
• Technology: increase to third party services and various line item changes based on actual costs and submitted project list			21,950
• Unemployment Insurance: consistent with actual expenses, contribution rate was lower than expected in FY18			(20,500)
• Computer Software Depreciation: reduction due to completion of depreciation for a variety of software items and lower than budgeted expenses for new items			(21,900)
• Allowance for Open Positions: salary savings from staffing vacancies throughout the year. Increase in amount is based on actual results			(80,000)
• Variety of other direct and indirect cost changes			(49,501)
Total Increase in Expense from FY18			\$586,961

D. FY19 Cost Center Change

The Draft FY19 General Fund Budget reflects our recommendation to merge the cost centers for New Member Programs, Mentorship, and Practice Management Assistance. These three programs are administered and delivered by the same team with significant overlap in administration and programming.

2. CAPITAL BUDGET

The FY19 Capital Budget of \$242,100 includes the cost of purchasing, refreshing and/or replacing outdated hardware and software as needed to protect data security and will increase our efficiency. Capital labor costs involve in-house development, customization, and/or upgrading to systems and projects. Anticipated FY19 projects include the development of a coordinated Online Admissions Program system, work in preparation for a replacement of the Discipline records system (GILDA) in anticipation of rule changes, and continued development of the Opt-In Legal Directory and further website enhancements to the Legal Directory and the WSBA's membership database system.

The Capital Budget also includes the cost of purchasing, refreshing and/or replacing hardware and equipment and leasehold improvements. One proposed project is to improve sound systems in the WSBA Conference Center and meeting rooms in order to better facilitate virtual meeting participation. This project could be accomplished by reallocating capital funds in FY18 (as more fully explained in *Attachment B-1*) or by including capital funds in the FY19 budget as set forth on *Attachment B*. Following extended discussion about the current sound system, the Committee determined that the full Board should consider these issues.

3. CLE FUND BUDGET AND RESERVES

The CLE Fund is a board-designated operating reserve, consisting of net income from the CLE activities, to cover net loss and extraordinary costs of CLE programs, products, and/or capital acquisitions as needed. The FY19 CLE Fund Budget consists of two cost centers: (1) CLE Seminars and Products; and (2) Deskbooks. The FY19 budget reflects: (1) slight increases in live seminar revenue and sponsorships and steady MP3 and video product sales; and (2) as discussed with the Board in May, revised profit sharing of seminar and on-demand product revenues with WSBA sections that will be in effect beginning FY19 but not paid out to Sections until FY20. Cost centers are included in *Attachment C*.

CLE COST CENTER SUMMARY	FY18	FY19	Difference
CLE Seminars and Products			
• Revenue	\$1,862,235	\$1,879,500	\$17,265
• Expenses	\$1,705,736	\$1,541,269	(\$164,467)
• Net Income/(Loss)	\$156,499	\$338,231	\$181,732
Deskbooks			
• Revenue	\$170,000	\$160,000	(\$10,000)
• Expenses	\$341,008	\$286,269	(\$54,739)
• Net Income/(Loss)	(\$171,008)	(\$126,269)	(\$44,739)
CLE COST CENTER TOTAL			
• Revenue	\$2,032,235	\$2,039,500	\$7,265
• Expenses	\$2,046,744	\$1,827,538	(\$219,206)
• Net Income/(Loss)	(\$14,509)	\$211,962	\$226,471
Projected Reserves	\$471,073	\$683,035	\$211,962

4. CLIENT PROTECTION FUND BUDGET AND RESERVES

The Client Protection Fund (CPF) is a legally-restricted fund created in 1995 by the Washington Supreme Court and WSBA to make gifts to compensate those financially victimized by lawyer dishonesty or failure to account for client funds or property. It is principally funded by an annual assessment on all active members and *pro hac vice* admissions as required by the Washington Supreme Court. The assessment has been \$30 since 2010. Expenses consist mainly of payouts to injured clients and CPF Board staff support. The FY19 budget for the CPF reflects the Committee's recommendations that LLLTs pay the same assessment as lawyers, and that LPOs do not. The maximum gift payout is \$150,000; CPF fund reserves are budgeted at \$3,992,567 through the end of FY19 (*Attachment D*).

Client Protection Fund Budget	FY18	FY19	Difference
• Revenue	\$992,500	\$992,500	\$0
• Expenses	\$566,813	\$667,919	\$101,106
• Net Income/(Loss)	\$425,687	\$324,581	(\$101,106)
• Projected reserves	\$3,667,986	\$3,992,567	\$324,581

5. FY19 SECTION BUDGETS AND PER-MEMBER CHARGE

WSBA Sections are currently working on preparing their FY19 budgets and will be submitting them for review on July 13. Consistent with previous years, all Section budgets will be presented at the next Budget and Audit Committee meeting for review.

The Section Per-Member Charge (PMC), calculated each year as part of the annual budget process, is based on the WSBA's first draft of the budget for administrative costs associated with supporting WSBA Sections for the upcoming fiscal year. These costs include salaries and benefits, overhead, and general section administration expenses. The PMC has been \$18.75 since FY16; the PMC required to cover costs in FY19 is \$ 22.44. The Committee unanimously recommended that the PMC remains \$18.75 in FY19; Sections are preparing their budgets with that understanding.

ATTACHMENTS

- A. Draft FY19 General Fund Budget
- B. Draft FY19 Capital Budget
- B-1 Reallocation Request to Improve Sound Systems in FY18
- C. Draft FY19 CLE Budget
- D. Draft FY19 CPF Budget
- E. NWLawyer
- F. Deskbooks
- G. Apex Dinner
- H. Washington State Bar Foundation
- I. Section Autonomy

A

Washington State Bar Association

Budget Comparison Report

For the Period October 1, 2018 to September 30, 2019

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
SALARIES & BENEFITS:				
SALARIES	11,450,929.00	11,855,296.00	404,367.00	3.5%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	(200,000.00)	(80,000.00)	66.7%
TEMPORARY EMPLOYEES	95,810.00	124,690.00	28,880.00	30.1%
EMPLOYEE ASSISTANCE PLAN	4,800.00	4,800.00	-	0.0%
EMPLOYEE SERVICE AWARDS	2,010.00	2,230.00	220.00	10.9%
FICA	862,300.00	878,000.00	15,700.00	1.8%
L&I INSURANCE	47,000.00	47,250.00	250.00	0.5%
MEDICAL	1,445,000.00	1,590,000.00	145,000.00	10.0%
RETIREMENT	1,439,735.00	1,477,000.00	37,265.00	2.6%
TRANSPORTATION ALLOWANCE	118,500.00	119,250.00	750.00	0.6%
UNEMPLOYMENT INSURANCE	108,000.00	87,500.00	(20,500.00)	-19.0%
STAFF DEVELOPMENT-GENERAL	6,910.00	6,900.00	(10.00)	-0.1%
CAPITAL LABOR	(194,000.00)	(147,100.00)	46,900.00	-24.2%
TOTAL SALARIES & BENEFITS:	15,266,994.00	15,845,816.00	578,822.00	3.8%
OVERHEAD:				
WORKPLACE BENEFITS	39,000.00	39,000.00	-	0.0%
HUMAN RESOURCES DIRECT EXPENSES	120,076.00	102,400.00	(17,676.00)	-14.7%
MEETING SUPPORT EXPENSES	10,000.00	10,000.00	-	0.0%
RENT	1,750,000.00	1,802,000.00	52,000.00	3.0%
PROPERTY TAXES	11,000.00	14,000.00	3,000.00	27.3%
FURNITURE, MAINTENANCE, LEASHOLD IMPROVEMENTS	35,200.00	35,200.00	-	0.0%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	46,000.00	-	0.0%
FURNITURE & OFFICE EQUIPMENT DEPRECIATION	51,000.00	57,500.00	6,500.00	12.7%
COMPUTER HARDWARE DEPRECIATION	57,000.00	52,800.00	(4,200.00)	-7.4%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	132,100.00	(21,900.00)	-14.2%
INSURANCE	140,000.00	150,000.00	10,000.00	7.1%
PROFESSIONAL FEES-AUDIT	35,000.00	35,000.00	-	0.0%
PROFESSIONAL FEES-LEGAL	50,000.00	50,000.00	-	0.0%
TELEPHONE & INTERNET	49,000.00	47,000.00	(2,000.00)	-4.1%
BANK FEES	35,400.00	35,400.00	-	0.0%
POSTAGE	42,000.00	36,000.00	(6,000.00)	-14.3%
CONFERENCES & TRAINING	92,200.00	95,245.00	3,045.00	3.3%
RECORDS STORAGE	40,000.00	40,000.00	-	0.0%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	12,000.00	(13,000.00)	-52.0%
TECHNOLOGY DIRECT EXPENSES	645,660.00	667,610.00	21,950.00	3.4%
TOTAL OVERHEAD:	3,427,536.00	3,459,255.00	31,719.00	0.9%
TOTAL INDIRECT EXPENSES:	18,694,530.00	19,305,071.00	610,541.00	3.3%

The Indirect Expenses cost center includes amounts budgeted for employee salaries, benefits, and overhead. Salary expenses are allocated to cost centers based on the actual salaries of employees working in those cost centers. Benefits are allocated to cost centers based on a percentage of salaries (for example, if one cost center has 10% of WSBA's salary expense, it will be allocated 10% of the benefits expense).

This cost center also details overhead expenses such as rent, telephone, insurance, professional fees, office supplies, postage, maintenance, human resources, technology direct expenses, and other expenses that benefit WSBA as a whole. These expenses are allocated to each cost center based on the number of FTEs (full time equivalents) in that cost center and are reflected on the line "Overhead" in each cost center budget.

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

ACCESS TO JUSTICE	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
CONFERENCES & INSTITUTES	-	7,500.00	7,500.00	
TOTAL REVENUE:	<u>-</u>	<u>7,500.00</u>	<u>7,500.00</u>	
DIRECT EXPENSES:				
ATJ BOARD RETREAT	2,000.00	2,000.00	-	0%
LEADERSHIP TRAINING	2,000.00	2,000.00	-	0%
ATJ BOARD EXPENSE	24,000.00	24,000.00	-	0%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	-	(3,000.00)	-100%
PUBLIC DEFENSE	8,400.00	7,000.00	(1,400.00)	-17%
CONFERENCE/INSTITUTE EXPENSE	-	14,837.00	14,837.00	
RECEPTION/FORUM EXPENSE	9,500.00	9,500.00	-	0%
STAFF TRAVEL/PARKING	2,700.00	3,500.00	800.00	30%
STAFF MEMBERSHIP DUES	-	120.00	120.00	
TOTAL DIRECT EXPENSES:	<u>51,600.00</u>	<u>62,957.00</u>	<u>11,357.00</u>	<u>22%</u>
INDIRECT EXPENSES:				
FTE	2.10	2.10	-	0%
SALARY EXPENSE	152,813.00	160,817.00	8,004.00	5%
BENEFIT EXPENSE	55,627.00	58,953.00	3,326.00	6%
OVERHEAD	50,994.00	51,612.00	618.00	1%
TOTAL INDIRECT EXPENSES:	<u>259,434.00</u>	<u>271,382.00</u>	<u>11,948.00</u>	<u>5%</u>
TOTAL ALL EXPENSES:	<u>311,034.00</u>	<u>334,339.00</u>	<u>23,305.00</u>	<u>7%</u>
NET INCOME (LOSS):	<u>(311,034.00)</u>	<u>(326,839.00)</u>	<u>(15,805.00)</u>	

WSBA administers the Supreme Court-established Access to Justice Board and most of its initiatives and working committees. This cost center also includes staffing and other support for WSBA's Council on Public Defense. Overall, revenue and direct costs have increased because the biennial Access to Justice Conference will take place in FY19. Funds for staff travel have slightly increased to allow for travel to the ATJ Conference. Costs proposed in this budget include support for two ATJ Board meetings outside of Seattle, implementation of the State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People, outreach on the anticipated updated Technology Principles, and membership in the WA Nonprofit Association in furtherance of the ATJ Board's goal to more meaningfully engage with community-based organizations.

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ADMINISTRATION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	25,000.00	70,000.00	45,000.00	180%
GAIN/LOSS ON INVESTMENTS	30,000.00	30,000.00	-	0%
TOTAL REVENUE:	55,000.00	100,000.00	45,000.00	82%
DIRECT EXPENSES:				
STAFF TRAVEL/PARKING	2,500.00	4,200.00	1,700.00	68%
STAFF MEMBERSHIP DUES	545.00	685.00	140.00	26%
TOTAL DIRECT EXPENSES:	3,045.00	4,885.00	1,840.00	60%
INDIRECT EXPENSES:				
FTE	7.88	7.97	0.09	1%
SALARY EXPENSE	663,826.00	700,100.00	36,274.00	5%
BENEFIT EXPENSE	226,598.00	240,850.00	14,252.00	6%
OVERHEAD	191,350.00	195,881.00	4,531.00	2%
TOTAL INDIRECT EXPENSES:	1,081,774.00	1,136,831.00	55,057.00	5%
TOTAL ALL EXPENSES:	1,084,819.00	1,141,716.00	56,897.00	5%
NET INCOME (LOSS):	(1,029,819.00)	(1,041,716.00)	(11,897.00)	

Finance and Administration provides organizational support services, including accounting, financial reporting, investments, payroll, facilities maintenance, and general office administration. Revenue coded to this cost center is interest income on WSBA's cash and investments. In FY19, interest on investments has increased consistent with actual revenues.

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ADMISSIONS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
EXAMSOFT REVENUE	35,000.00	35,000.00	-	0%
BAR EXAM FEES	1,200,000.00	1,200,000.00	-	0%
SPECIAL ADMISSIONS	60,000.00	60,000.00	-	0%
LLLT EXAM FEES	7,500.00	7,500.00	-	0%
LLLT WAIVER FEES	900.00	900.00	-	0%
LPO EXAMINATION FEES	24,000.00	24,000.00	-	0%
TOTAL REVENUE:	1,327,400.00	1,327,400.00	-	0%
DIRECT EXPENSES:				
FACILITY, PARKING, FOOD	66,000.00	70,000.00	4,000.00	6%
EXAMINER FEES	35,000.00	35,000.00	-	0%
BOARD OF BAR EXAMINERS	25,000.00	25,000.00	-	0%
BAR EXAM PROCTORS	30,000.00	31,000.00	1,000.00	3%
CHARACTER & FITNESS BOARD EXP	20,000.00	20,000.00	-	0%
DISABILITY ACCOMMODATIONS	20,000.00	20,000.00	-	0%
CHARACTER & FITNESS INVESTIGATIONS	900.00	900.00	-	0%
LAW SCHOOL VISITS	1,000.00	1,000.00	-	0%
UBE EXAMINATIONS	130,000.00	130,000.00	-	0%
EXAM WRITING	28,355.00	28,355.00	-	0%
COURT REPORTERS	18,000.00	18,000.00	-	0%
DEPRECIATION	2,222.00	17,776.00	15,554.00	700%
POSTAGE	4,000.00	4,000.00	-	0%
STAFF TRAVEL/PARKING	10,240.00	13,000.00	2,760.00	27%
STAFF MEMBERSHIP DUES	400.00	400.00	-	0%
SUPPLIES	1,000.00	2,500.00	1,500.00	150%
TOTAL DIRECT EXPENSES:	392,117.00	416,931.00	24,814.00	6%
INDIRECT EXPENSES:				
FTE	6.20	6.30	0.10	2%
SALARY EXPENSE	463,690.00	496,503.00	32,813.00	7%
BENEFIT EXPENSE	174,590.00	188,236.00	13,646.00	8%
OVERHEAD	150,554.00	154,837.00	4,283.00	3%
TOTAL INDIRECT EXPENSES:	788,834.00	839,576.00	50,742.00	6%
TOTAL ALL EXPENSES:	1,180,951.00	1,256,507.00	75,556.00	6%
NET INCOME (LOSS):	146,449.00	70,893.00	(75,556.00)	

The Supreme Court has delegated to WSBA administrative responsibility over admissions for lawyers, Limited License Legal Technicians (LLLTs), and Limited Practice Officers (LPOs). Each year, approximately 1,100 people take one of the Uniform Bar Exams offered in February and July in the Puget Sound area, and much smaller numbers take the licensing exams for LPOs and LLLTs, also offered twice a year. In addition, approximately 600 people are admitted through admission by motion and more than 100 through a UBE score transfer, and another several hundred are licensed to practice as house counsel.

This work unit reviews all admission applications for all license types, performs some aspects of the background checks on applicants, further investigates identified character and fitness issues for some applicants (up to several hundred each year), and supports the Character and Fitness Board in conducting hearings and making recommendations to the Supreme Court regarding whether to admit and license applicants for all license types (recently up to 24 hearings each year). This work unit also works with the National Conference of Bar Examiners in administering and grading exams for lawyers, the Board of Bar Examiners for grading exams for lawyers, Ergometrics in preparing LPO and LLLT exams, and the LPO and LLLT Boards in grading the LPO and LLLT exams. Work has begun to develop and implement a new online application program that can accommodate all of the different types of admissions and licensing applications that are now all consolidated within this one cost center.

Revenue increases are consistent with historic trends and now include revenue from LPO and LLLT admission applications. Direct expense budget includes costs for the Boards and for developing LLLT and LPO exams.

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BOARD OF GOVERNORS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	60,000.00	-	0%
BOG MEETINGS	115,000.00	117,000.00	2,000.00	2%
BOG COMMITTEES' EXPENSES	30,000.00	30,000.00	-	0%
BOG CONFERENCE ATTENDANCE	17,500.00	44,000.00	26,500.00	151%
BOG TRAVEL & OUTREACH	45,000.00	35,000.00	(10,000.00)	-22%
ED TRAVEL & OUTREACH	5,000.00	5,000.00	-	0%
STAFF TRAVEL/PARKING	4,700.00	5,400.00	700.00	15%
STAFF MEMBERSHIP DUES	1,880.00	2,131.00	251.00	13%
TELEPHONE	1,000.00	1,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>280,080.00</u>	<u>299,531.00</u>	<u>19,451.00</u>	<u>7%</u>
INDIRECT EXPENSES:				
FTE	2.45	2.45	-	0%
SALARY EXPENSE	357,754.00	361,878.00	4,124.00	1%
BENEFIT EXPENSE	105,480.00	107,301.00	1,821.00	2%
OVERHEAD	59,493.00	60,214.00	721.00	1%
TOTAL INDIRECT EXPENSES:	<u>522,727.00</u>	<u>529,393.00</u>	<u>6,666.00</u>	<u>1%</u>
TOTAL ALL EXPENSES:	<u>802,807.00</u>	<u>828,924.00</u>	<u>26,117.00</u>	<u>3%</u>
NET INCOME (LOSS):	<u>(802,807.00)</u>	<u>(828,924.00)</u>	<u>(26,117.00)</u>	

This cost center supports the president, the president-elect, the Board of Governors' work and meetings, Board committees, and the Office of the Executive Director. The budget includes funding for Board meetings, Board committees, governor travel and outreach (to local, specialty, and minority bar associations, committees, sections, etc.), and staff-related expenses. In FY19, it also continues to earmark support for the Washington Leadership Institute.

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COMMUNICATION STRATEGIES	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
AWARDS DINNER	44,000.00	50,000.00	6,000.00	14%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	750.00	-	0%
TOTAL REVENUE:	44,750.00	50,750.00	6,000.00	13%
DIRECT EXPENSES:				
AWARDS DINNER	63,000.00	63,000.00	-	0%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	8,000.00	-	0%
COMMUNICATIONS OUTREACH	15,000.00	15,000.00	-	0%
SPEAKERS & PROGRAM DEVELOP	1,600.00	1,600.00	-	0%
STAFF TRAVEL/PARKING	2,640.00	4,700.00	2,060.00	78%
STAFF MEMBERSHIP DUES	1,700.00	1,000.00	(700.00)	-41%
SUBSCRIPTIONS	10,050.00	10,050.00	-	0%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	1,450.00	-	0%
TOTAL DIRECT EXPENSES:	103,440.00	104,800.00	1,360.00	1%
INDIRECT EXPENSES:				
FTE	4.68	4.62	(0.06)	-1%
SALARY EXPENSE	305,254.00	312,393.00	7,139.00	2%
BENEFIT EXPENSE	115,063.00	123,827.00	8,764.00	8%
OVERHEAD	113,644.00	113,547.00	(97.00)	0%
TOTAL INDIRECT EXPENSES:	533,961.00	549,767.00	15,806.00	3%
TOTAL ALL EXPENSES:	637,401.00	654,567.00	17,166.00	3%
NET INCOME (LOSS):	(592,651.00)	(603,817.00)	(11,166.00)	

Communication Strategies is responsible for member, public, and internal communications; branding and reputation management; media and public relations; marketing; special events; and strategic communication tools aimed at improving member and public engagement and outreach (including the WSBA website, website content, and WSBA's blog (NWSidebar), social media channels, and broadcast emails). It works with all WSBA departments to support the communications and marketing of WSBA programs, services, and matters of interest to members and the public.

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CONFERENCE & BROADCAST SERVICES

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
TRANSLATION SERVICES	3,500.00	3,500.00	-	0%
STAFF TRAVEL/PARKING	1,200.00	-	(1,200.00)	-100%
TOTAL DIRECT EXPENSES:	<u>4,700.00</u>	<u>3,500.00</u>	<u>(1,200.00)</u>	<u>-26%</u>
INDIRECT EXPENSES:				
FTE	7.15	7.15	-	0%
SALARY EXPENSE	400,338.00	416,899.00	16,561.00	4%
BENEFIT EXPENSE	162,272.00	170,728.00	8,456.00	5%
OVERHEAD	173,623.00	175,728.00	2,105.00	1%
TOTAL INDIRECT EXPENSES:	<u>736,233.00</u>	<u>763,355.00</u>	<u>27,122.00</u>	<u>4%</u>
TOTAL ALL EXPENSES:	<u>740,933.00</u>	<u>766,855.00</u>	<u>25,922.00</u>	<u>3%</u>
NET INCOME (LOSS):	<u>(740,933.00)</u>	<u>(766,855.00)</u>	<u>(25,922.00)</u>	

Conference and Broadcast Services is responsible for the Service Center, meeting facilities, mail and print services, and all other services on WSBA's public floor. Last year, WSBA supported over 1,500 on-site meetings and events, and the Service Center handled over 50,000 communications with members and the public. This cost center also supports all non-CLE activities related to webcasting, webinars, and recorded products.

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DISCIPLINE	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
AUDIT REVENUE	2,300.00	3,200.00	900.00	39%
RECOVERY OF DISCIPLINE COSTS	115,000.00	80,000.00	(35,000.00)	-30%
DISCIPLINE HISTORY SUMMARY	13,000.00	13,000.00	-	0%
TOTAL REVENUE:	130,300.00	96,200.00	(34,100.00)	-26%
DIRECT EXPENSES:				
COURT REPORTERS	65,000.00	55,000.00	(10,000.00)	-15%
OUTSIDE COUNSEL/AIC	2,000.00	2,000.00	-	0%
LITIGATION EXPENSES	30,000.00	25,000.00	(5,000.00)	-17%
DISABILITY EVALUATIONS	15,000.00	7,500.00	(7,500.00)	-50%
ONLINE LEGAL RESEARCH	66,900.00	68,000.00	1,100.00	2%
LAW LIBRARY	12,000.00	12,500.00	500.00	4%
TRANSLATION SERVICES	3,000.00	1,500.00	(1,500.00)	-50%
DEPRECIATION	17,028.00	7,123.00	(9,905.00)	-58%
PUBLICATIONS PRODUCTION	330.00	444.00	114.00	35%
STAFF TRAVEL/PARKING	39,460.00	35,000.00	(4,460.00)	-11%
STAFF MEMBERSHIP DUES	3,308.00	3,900.00	592.00	18%
TELEPHONE	2,800.00	2,300.00	(500.00)	-18%
TOTAL DIRECT EXPENSES:	256,826.00	220,267.00	(36,559.00)	-14%
INDIRECT EXPENSES:				
FTE	36.89	36.88	(0.01)	0%
SALARY EXPENSE	3,436,749.00	3,556,329.00	119,580.00	3%
BENEFIT EXPENSE	1,142,156.00	1,191,858.00	49,702.00	4%
OVERHEAD	895,798.00	906,411.00	10,613.00	1%
TOTAL INDIRECT EXPENSES:	5,474,703.00	5,654,598.00	179,895.00	3%
TOTAL ALL EXPENSES:	5,731,529.00	5,874,865.00	143,336.00	3%
NET INCOME (LOSS):	(5,601,229.00)	(5,778,665.00)	(177,436.00)	

The Washington Supreme Court has exclusive responsibility for the lawyer, LPO, and LLLT discipline and disability systems in Washington. By court rule, the Supreme Court delegates regulatory authority to the WSBA through, in part, the Office of Disciplinary Counsel (ODC).

ODC is responsible for fielding communications from individuals with concerns about a lawyer, for reviewing, investigating, and prosecuting grievances about the ethical conduct of Washington lawyers, and for addressing issues involving a lawyer's alleged incapacity to practice law. ODC is also responsible for investigating and prosecuting ethical misconduct by LPOs and LLLTs upon referral from the corresponding regulatory board. More specifically, ODC identifies and dismisses grievances that do not allege unethical conduct, prosecutes violations of the Washington Supreme Court's Rules of Professional Conduct in matters that have been ordered to hearing by a review committee of the Disciplinary Board, and seeks transfers to disability-inactive status for licensees lacking the capacity to practice law. Some disciplinary matters are resolved by stipulation, some involving less serious misconduct may be diverted from discipline into the Diversion Program, while others are contested at a disciplinary hearing. If a hearing-level decision is appealed, disciplinary counsel briefs and argues the appeal to the applicable regulatory board and, in some cases, the Supreme Court. ODC also reviews trust account overdraft notices and conducts random examinations of trust account books and records, tracks and collects costs and expenses assessed against respondents in disciplinary proceedings, and monitors compliance with conditions of probation imposed in disciplinary matters.

To perform these functions, ODC employs disciplinary counsel, investigators, auditors, and a support staff of paralegals and administrative assistants; its expenses are primarily staff-related. Revenues consist primarily of recovery of discipline costs and expenses and service fees for providing discipline history summaries.

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DIVERSITY	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DONATIONS	90,000.00	110,000.00	20,000.00	22%
WORK STUDY GRANTS	10,374.00	10,374.00	-	0%
TOTAL REVENUE:	100,374.00	120,374.00	20,000.00	20%
DIRECT EXPENSES:				
COMMITTEE FOR DIVERSITY	6,200.00	5,000.00	(1,200.00)	-19%
DIVERSITY EVENTS & PROJECTS	10,000.00	10,000.00	-	0%
INTERNAL DIVERSITY OUTREACH	200.00	200.00	-	
SPEAKERS & PROGRAM DEVELOP	500.00	-	(500.00)	-100%
STAFF TRAVEL/PARKING	8,000.00	6,000.00	(2,000.00)	-25%
STAFF MEMBERSHIP DUES	350.00	350.00	-	0%
TOTAL DIRECT EXPENSES:	25,250.00	21,550.00	(3,700.00)	-15%
INDIRECT EXPENSES:				
FTE	3.21	4.05	0.84	26%
SALARY EXPENSE	255,821.00	328,835.00	73,014.00	29%
BENEFIT EXPENSE	86,756.00	115,323.00	28,567.00	33%
OVERHEAD	77,948.00	99,538.00	21,590.00	28%
TOTAL INDIRECT EXPENSES:	420,525.00	543,696.00	123,171.00	29%
TOTAL ALL EXPENSES:	445,775.00	565,246.00	119,471.00	27%
NET INCOME (LOSS):	(345,401.00)	(444,872.00)	(99,471.00)	

This cost center captures the cost of WSBA's staffing and programming to implement the statewide WSBA Diversity and Inclusion Plan. Activities supported by this cost center include equity and inclusion consultation for legal professionals and organizations, community networking events held across the state, events to promote inclusion and provide opportunities for mentorship such as the Seattle University Law School ARC Reception, and outreach to and collaboration with Washington's minority bar associations (MBAs). This cost center also supports the WSBA Diversity Committee, development of three diversity-related CLE programs for the Legal Lunchbox and other educational events, like the Beyond the Dialogue Series. Direct costs have been reduced slightly in this cost center, while indirects have increased to reflect the investment of staff resources in delivering these programs. The diversity programs are supported by a \$110,000 grant from the Washington State Bar Foundation in FY19 (a \$20,000 increase over the FY18 budget).

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FOUNDATION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
SPECIAL EVENTS	5,000.00	5,000.00	-	0%
BOARD OF TRUSTEES	5,000.00	3,000.00	(2,000.00)	-40%
GRAPHIC DESIGN	500.00	-	(500.00)	-100%
CONSULTING SERVICES	3,000.00	3,000.00	-	0%
POSTAGE	-	500.00	500.00	
PRINTING & COPYING	1,500.00	800.00	(700.00)	-47%
STAFF TRAVEL/PARKING	1,500.00	1,400.00	(100.00)	-7%
STAFF MEMBERSHIP DUES	600.00	-	(600.00)	-100%
SUPPLIES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	17,600.00	14,200.00	(3,400.00)	-19%
INDIRECT EXPENSES:				
FTE	1.20	1.15	(0.05)	-4%
SALARY EXPENSE	89,200.00	89,538.00	338.00	0%
BENEFIT EXPENSE	32,713.00	32,594.00	(119.00)	0%
OVERHEAD	29,140.00	28,264.00	(876.00)	-3%
TOTAL INDIRECT EXPENSES:	151,053.00	150,396.00	(657.00)	0%
TOTAL ALL EXPENSES:	168,653.00	164,596.00	(4,057.00)	-2%
NET INCOME (LOSS):	(168,653.00)	(164,596.00)	4,057.00	

The Washington State Bar Foundation is the fundraising arm of the WSBA. This cost center reflects the staffing, operations, and administrative support WSBA provides to the Foundation in exchange for its fundraising services. The Foundation will contribute \$220,000 in revenue to WSBA's FY19 budget to support public service and diversity efforts within the Advancement Department cost centers. We continue to look for opportunities to reduce indirect and direct costs in this cost center to better reflect the actual cost of delivering this service.

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HUMAN RESOURCES	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
STAFF TRAINING- GENERAL	29,400.00	30,000.00	600.00	2%
RECRUITING AND ADVERTISING	7,000.00	7,000.00	-	0%
PAYROLL PROCESSING	55,000.00	49,000.00	(6,000.00)	-11%
SALARY SURVEYS	2,900.00	2,900.00	-	0%
THIRD PARTY SERVICES	22,500.00	-	(22,500.00)	-100%
CONSULTING SERVICES	-	10,000.00	10,000.00	
STAFF TRAVEL/PARKING	150.00	150.00	-	0%
STAFF MEMBERSHIP DUES	1,188.00	1,250.00	62.00	5%
SUBSCRIPTIONS	1,938.00	2,100.00	162.00	8%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(102,400.00)	17,676.00	-15%
TOTAL DIRECT EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	
INDIRECT EXPENSES:				
FTE	2.48	2.45	(0.03)	-1%
SALARY EXPENSE	251,079.00	260,398.00	9,319.00	4%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	(200,000.00)	(80,000.00)	67%
BENEFIT EXPENSE	80,529.00	83,695.00	3,166.00	4%
OVERHEAD	60,222.00	60,214.00	(8.00)	0%
TOTAL INDIRECT EXPENSES:	<u>271,830.00</u>	<u>204,307.00</u>	<u>(67,523.00)</u>	<u>-25%</u>
TOTAL ALL EXPENSES:	<u>271,830.00</u>	<u>204,307.00</u>	<u>(67,523.00)</u>	<u>-25%</u>
NET INCOME (LOSS):	<u>(271,830.00)</u>	<u>(204,307.00)</u>	<u>67,523.00</u>	

The Human Resources Department handles all human resources functions, including recruitment and retention, compensation and benefits administration, employee relations, legal compliance, equal employment opportunity, employee on-boarding, ongoing employee training and development, performance management, and human resources policies and procedures. Expenses reflected here are solely for staffing (salaries, benefits, and overhead). Direct costs located in this cost center are allocated out to all cost centers through "Overhead" in the indirect expense allocation. Direct expenses include payroll processing, staff training, and recruiting costs.

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LAW CLERK PROGRAM	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
LAW CLERK FEES	110,000.00	162,000.00	52,000.00	47%
LAW CLERK APPLICATION FEES	2,000.00	4,000.00	2,000.00	100%
TOTAL REVENUE:	112,000.00	166,000.00	54,000.00	48%
DIRECT EXPENSES:				
CHARACTER & FITNESS INVESTIGATIONS	100.00	100.00	-	0%
LAW CLERK BOARD EXPENSE	4,000.00	6,000.00	2,000.00	50%
SUBSCRIPTIONS	250.00	250.00	-	0%
TOTAL DIRECT EXPENSES:	4,350.00	6,350.00	2,000.00	46%
INDIRECT EXPENSES:				
FTE	0.85	1.10	0.25	29%
SALARY EXPENSE	67,292.00	84,449.00	17,157.00	25%
BENEFIT EXPENSE	23,746.00	30,927.00	7,181.00	30%
OVERHEAD	20,640.00	27,035.00	6,395.00	31%
TOTAL INDIRECT EXPENSES:	111,678.00	142,411.00	30,733.00	28%
TOTAL ALL EXPENSES:	116,028.00	148,761.00	32,733.00	28%
NET INCOME (LOSS):	(4,028.00)	17,239.00	21,267.00	

The Law Clerk Program is now joined with LLLT and LPO licensing in a newly formed "Innovative Licensing Programs" work unit within RSD. This cost center captures the revenue and expenses for the APR Rule 6 Law Clerk Program, which is a program of education that offers an alternative to law school by allowing Law Clerks to study law with a tutor/employer while working full time with the employer; the standard program is four years, the curriculum is essentially the same as a three year JD program curriculum, and Law Clerks must pass character and fitness review and pass the Bar exam to be eligible for admission and licensing as a lawyer. Revenues are generated from modest fees charged to the Law Clerks to participate in the program; increased revenue reflected in this budget for this program is from a modest (\$500/year) increase in the annual fee charged to Law Clerks for participation in the program. Expenses are the costs to administer the Law Clerk program and the expenses incurred by the Law Clerk Board. This program has been slowly increasing in size and currently stands at about 83 clerk/tutor pairs around the state. The Board hopes to expand the program through increased outreach and education about the program, and with improving employment situations, expansion of the number of participants may continue to be a possibility. RSD staff has been working to improve the data base at the heart of the program in order to provide improved services to the Law Clerks and tutors. RSD and Communications staff have been working to increase the outreach about and visibility of the program.

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LEGISLATIVE	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
RENT - OLYMPIA OFFICE	2,500.00	2,500.00	-	0%
CONTRACT LOBBYIST	5,000.00	5,000.00	-	0%
LOBBYIST CONTACT COSTS	1,000.00	1,000.00	-	0%
LEGISLATIVE COMMITTEE	2,500.00	2,500.00	-	0%
BOG LEGISLATIVE COMMITTEE	250.00	250.00	-	0%
STAFF TRAVEL/PARKING	8,000.00	4,550.00	(3,450.00)	-43%
STAFF MEMBERSHIP DUES	450.00	450.00	-	0%
SUBSCRIPTIONS	2,000.00	2,000.00	-	0%
TELEPHONE	3,000.00	400.00	(2,600.00)	-87%
TOTAL DIRECT EXPENSES:	<u>24,700.00</u>	<u>18,650.00</u>	<u>(6,050.00)</u>	<u>-24%</u>
INDIRECT EXPENSES:				
FTE	1.00	0.90	(0.10)	-10%
SALARY EXPENSE	75,380.00	80,340.00	4,960.00	7%
BENEFIT EXPENSE	27,080.00	27,792.00	712.00	3%
OVERHEAD	24,283.00	24,577.00	294.00	1%
TOTAL INDIRECT EXPENSES:	<u>126,743.00</u>	<u>132,709.00</u>	<u>5,966.00</u>	<u>5%</u>
TOTAL ALL EXPENSES:	<u>151,443.00</u>	<u>151,359.00</u>	<u>(84.00)</u>	<u>0%</u>
NET INCOME (LOSS):	<u>(151,443.00)</u>	<u>(151,359.00)</u>	<u>84.00</u>	

The Outreach and Legislative Affairs Manager and the Outreach and Legislative Affairs Coordinator work closely with WSBA leadership and sections to formulate positions on legislation, track relevant legislation during session and provide technical advice on bills and existing statutes to the Legislature.

The Outreach and Legislative Affairs Manager and the Outreach and Legislative Affairs Coordinator work closely with WSBA leadership and sections to formulate positions on legislation, track relevant legislation during session and provide technical advice on bills and existing statutes to the Legislature. Reduced contract lobbyist, Olympia space rental, and staffing costs reflect reevaluation of legislative support needs.

Washington State Bar Association Budget Comparison Report

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LICENSING AND MEMBERSHIP RECORDS

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
STATUS CERTIFICATE FEES	22,000.00	22,000.00	-	0%
RULE 9/LEGAL INTERN FEES	11,000.00	11,000.00	-	0%
INVESTIGATION FEES	20,000.00	22,000.00	2,000.00	10%
PRO HAC VICE	210,000.00	230,000.00	20,000.00	10%
MEMBER CONTACT INFORMATION	21,000.00	19,000.00	(2,000.00)	-10%
PHOTO BAR CARD SALES	700.00	350.00	(350.00)	-50%
TOTAL REVENUE:	284,700.00	304,350.00	19,650.00	7%
DIRECT EXPENSES:				
LICENSING FORMS	3,000.00	3,000.00	-	0%
DEPRECIATION	11,496.00	13,812.00	2,316.00	20%
POSTAGE	31,500.00	29,000.00	(2,500.00)	-8%
TOTAL DIRECT EXPENSES:	45,996.00	45,812.00	(184.00)	0%
INDIRECT EXPENSES:				
FTE	4.65	4.35	(0.30)	-6%
SALARY EXPENSE	410,886.00	395,080.00	(15,806.00)	-4%
BENEFIT EXPENSE	136,992.00	133,268.00	(3,724.00)	-3%
OVERHEAD	112,916.00	106,911.00	(6,005.00)	-5%
TOTAL INDIRECT EXPENSES:	660,794.00	635,259.00	(25,535.00)	-4%
TOTAL ALL EXPENSES:	706,790.00	681,071.00	(25,719.00)	-4%
NET INCOME (LOSS):	(422,090.00)	(376,721.00)	45,369.00	

All member and license types are tracked in one database and their annual license renewal processes are administered by this work group, rather than being handled separately according to license type. This work group includes all activities associated with the collection of annual license fees; processing changes to a member's information on record with the WSBA; providing mailing and emailing lists for internal and external requesters consistent with WSBA policy, bylaws, and the Admission and Practice Rules; and maintaining the membership records database.

Revenues are generated from application fees for Rule 9 Legal Interns and pro hac vice admissions, as well as limited sales of member contact information, member status certificates, investigation fees for status changes, and revenue from sales of photo bar cards. Expenses are primarily printing and postage costs for the annual license packets, the costs of administering the Rule 9 Legal Intern and pro hac vice programs, and all status changes.

Revenue changes are consistent with historic trends; direct costs change with changes in printing and mailing costs.

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LICENSING	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
LLLT LICENSE FEES	6,125.00	5,800.00	(325.00)	-5%
LICENSE FEES	14,953,000.00	15,778,000.00	825,000.00	6%
LPO LICENSE FEES	109,000.00	174,400.00	65,400.00	60%
TOTAL REVENUE:	<u>15,068,125.00</u>	<u>15,958,200.00</u>	<u>890,075.00</u>	<u>6%</u>
DIRECT EXPENSES:				
TOTAL DIRECT EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	
INDIRECT EXPENSES:				
TOTAL INDIRECT EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	
TOTAL ALL EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	
NET INCOME (LOSS):	<u>15,068,125.00</u>	<u>15,958,200.00</u>	<u>890,075.00</u>	

Most cost centers across WSBA are supported by license fee funds. Because LPOs and LLLTs are now WSBA members, revenues from LPO and LLLT license fees also are included in this cost center. The Licensing cost center tracks this revenue without any associated expenses. A relatively small increase in revenue is attributable to increased license fees for LPOs and LLLTs.

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LIMITED LICENSE LEGAL TECHNICIAN

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
LLLT BOARD	17,000.00	17,000.00	-	0%
LLLT OUTREACH	8,000.00	8,000.00	-	
STAFF TRAVEL/PARKING	600.00	600.00	-	0%
TOTAL DIRECT EXPENSES:	25,600.00	25,600.00	-	0%
INDIRECT EXPENSES:				
FTE	1.70	1.55	(0.15)	-9%
SALARY EXPENSE	142,602.00	135,526.00	(7,076.00)	-5%
BENEFIT EXPENSE	49,304.00	41,592.00	(7,712.00)	-16%
OVERHEAD	42,495.00	38,095.00	(4,400.00)	-10%
TOTAL INDIRECT EXPENSES:	234,401.00	215,213.00	(19,188.00)	-8%
TOTAL ALL EXPENSES:	260,001.00	240,813.00	(19,188.00)	-7%
NET INCOME (LOSS):	(260,001.00)	(240,813.00)	19,188.00	

The Limited License Legal Technician (LLLT) license type (APR 28), was created by the Supreme Court and delegated to WSBA in 2012. In the past, this cost center was used to track all revenues and expenses associated with the "LLLT Program". LLLTs are now WSBA members, and consistent with the WSBA Bylaws and the Washington Supreme Court Admission and Practice Rules, the administration and regulation of these member license types has been consolidated within existing work groups and cost centers that already perform these functions for lawyers, including Admissions, License and Membership Records, and MCLE (although it continues to be possible to determine these costs separately by member type if needed). For FY19, this cost center is used primarily to track staffing and expenses related to the LLLT Board, which by court rule oversees the license.

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LIMITED PRACTICE OFFICERS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
LPO BOARD	3,000.00	3,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>3,000.00</u>	<u>3,000.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	1.16	1.17	0.01	1%
SALARY EXPENSE	97,589.00	99,089.00	1,500.00	2%
BENEFIT EXPENSE	33,707.00	40,526.00	6,819.00	20%
OVERHEAD	28,168.00	28,755.00	587.00	2%
TOTAL INDIRECT EXPENSES:	<u>159,464.00</u>	<u>168,370.00</u>	<u>8,906.00</u>	<u>6%</u>
TOTAL ALL EXPENSES:	<u>162,464.00</u>	<u>171,370.00</u>	<u>8,906.00</u>	<u>5%</u>
NET INCOME (LOSS):	<u>(162,464.00)</u>	<u>(171,370.00)</u>	<u>(8,906.00)</u>	

The Limited Practice Officer (LPO) license type (APR 12), was created by the Supreme Court, and later delegated to the WSBA in 2002. There are about 925 licensed LPOs in Washington. In the past, this cost center was used to track all revenues and expenses associated with the "Limited Practice Officer (LPO) licensing program". LPOs are now WSBA members, and consistent with the WSBA Bylaws and the Washington Supreme Court Admission and Practice Rules, the administration and regulation of these members has been consolidated within existing work groups and cost centers that already perform these functions for lawyers, including Admissions, License and Membership Records, and MCLE (although it will continue to be possible to determine these costs separately by member type if needed). For FY19, this cost center will be used primarily to track staffing and expenses related to the Limited Practice Board, which by court rule oversees the program.

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**MANDATORY CONTINUING LEGAL
EDUCATION**

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
ACCREDITED PROGRAM FEES	282,000.00	540,000.00	258,000.00	91%
FORM1 LATE FEE	100,000.00	150,000.00	50,000.00	50%
MEMBER LATE FEES	203,000.00	203,000.00	-	0%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	43,000.00	16,000.00	59%
ATTENDANCE FEES	60,000.00	-	(60,000.00)	-100%
ATTENDANCE LATE FEES	60,000.00	85,000.00	25,000.00	42%
COMITY CERTIFICATES	29,000.00	29,000.00	-	0%
TOTAL REVENUE:	761,000.00	1,050,000.00	289,000.00	38%
DIRECT EXPENSES:				
MCLE BOARD EXPENSES	2,000.00	2,000.00	-	0%
DEPRECIATION	235,944.00	249,948.00	14,004.00	6%
STAFF MEMBERSHIP DUES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	238,444.00	252,448.00	14,004.00	6%
INDIRECT EXPENSES:				
FTE	4.80	4.90	0.10	2%
SALARY EXPENSE	311,815.00	358,258.00	46,443.00	15%
BENEFIT EXPENSE	113,165.00	124,596.00	11,431.00	10%
OVERHEAD	115,344.00	120,429.00	5,085.00	4%
TOTAL INDIRECT EXPENSES:	540,324.00	603,283.00	62,959.00	12%
TOTAL ALL EXPENSES:	778,768.00	855,731.00	76,963.00	10%
NET INCOME (LOSS):	(17,768.00)	194,269.00	212,037.00	

MCLE administration is a core regulatory function of the WSBA. This area processes requests for accreditation of all CLE programs for all license types, a total of about 20,000 accreditation requests per year, and tracks the earned credits and the CLE certifications and requirements of all individual members to ascertain whether they have completed their minimum continuing education requirements. Every year, approximately one-third of the active WSBA members are required to report their MCLE credits. The cost center is also used to track staffing and expenses related to the MCLE Board, which by court rule oversees the program for all license types.

Revenue increases reflect increases in sponsor and accredited sponsor fees, and increased late certification fees for LLLTs and LPOs but otherwise are consistent with historical trends.

Washington State Bar Association

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MEMBER ASSISTANCE PROGRAM	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DIVERSIONS	10,000.00	10,000.00	-	0%
TOTAL REVENUE:	10,000.00	10,000.00	-	0%
DIRECT EXPENSES:				
PROF LIAB INSURANCE	850.00	850.00	-	0%
PUBLICATIONS PRODUCTION	200.00	200.00	-	0%
STAFF MEMBERSHIP DUES	350.00	225.00	(125.00)	-36%
CONFERENCE CALLS	100.00	-	(100.00)	-100%
TOTAL DIRECT EXPENSES:	1,500.00	1,275.00	(225.00)	-15%
INDIRECT EXPENSES:				
FTE	0.87	0.90	0.03	3%
SALARY EXPENSE	79,821.00	84,582.00	4,761.00	6%
BENEFIT EXPENSE	31,796.00	34,295.00	2,499.00	8%
OVERHEAD	21,126.00	22,120.00	994.00	5%
TOTAL INDIRECT EXPENSES:	132,743.00	140,997.00	8,254.00	6%
TOTAL ALL EXPENSES:	134,243.00	142,272.00	8,029.00	6%
NET INCOME (LOSS):	(124,243.00)	(132,272.00)	(8,029.00)	

The Member Wellness Program is a confidential (APR 19) program whose goal is to help lawyers prevent and/or address psychological, emotional, addiction, family, health, stress, and other personal problems and provide education and services to foster member well-being. Services include assessment, short-term consultation, group services (e.g. for Job Seekers) and referral, follow-up, and training. MWP administers all Diversion Program respondent evaluations, and handles evaluation interviews, written reports, monitoring, and consultations with other treating professionals and ODC staff. MWP also provides judicial officer referrals for clinical service through the Judicial Assistance Services Program (JASP). Last year, MWP conducted approximately 200 consultations and gave presentations reaching 1,200 members.

Additionally, LAP makes assistance available to all WSBA members through a community partner, KEPRO, whose licensed professionals are available 24/7 assess, treat, and refer impaired lawyers. This program, known as WSBA Connects, provides members access to a suite of work/life integration services including financial counseling, family caregiver referral, and online resources and information to address a wide range of personal and work issues. Extended resources include a free, statewide MWP-trained peer advisor network, self-care website resources, and free or low cost work and wellness educational programming. Revenues come from Diversion Program fees; expenses are principally staff-related costs.

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MEMBER SERVICES AND ENGAGEMENT	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
ROYALTIES	15,000.00	30,000.00	15,000.00	100%
NMP PRODUCT SALES	15,000.00	70,000.00	55,000.00	367%
SPONSORSHIPS	1,200.00	1,200.00	-	0%
SEMINAR REGISTRATIONS	20,000.00	30,000.00	10,000.00	50%
TRIAL ADVOCACY PROGRAM	17,000.00	10,000.00	(7,000.00)	-41%
TOTAL REVENUE:	68,200.00	141,200.00	73,000.00	107%
DIRECT EXPENSES:				
WYLC OUTREACH EVENTS	3,000.00	2,500.00	(500.00)	-17%
MEMBER BENEFITS OPEN HOUSE	2,250.00	-	(2,250.00)	-100%
MENTORSHIP PROGRAM EXPENSES	2,500.00	-	(2,500.00)	-100%
LENDING LIBRARY	1,000.00	5,500.00	4,500.00	450%
NMP SEMINAR BROCHURES	1,500.00	-	(1,500.00)	-100%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	1,500.00	-	0%
WYL COMMITTEE	15,000.00	15,000.00	-	0%
OPEN SECTIONS NIGHT	3,000.00	4,400.00	1,400.00	47%
RURAL PLACEMENT PROGRAM	-	10,500.00	10,500.00	-
TRIAL ADVOCACY PROGRAM	2,500.00	2,500.00	-	0%
RECEPTION/FORUM EXPENSE	6,500.00	4,000.00	(2,500.00)	-38%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	2,500.00	500.00	25%
YLL SECTION PROGRAM	1,500.00	1,100.00	(400.00)	-27%
WYLC CLE COMPS	1,500.00	1,000.00	(500.00)	-33%
STAFF TRAVEL/PARKING	6,000.00	4,500.00	(1,500.00)	-25%
STAFF MEMBERSHIP DUES	530.00	385.00	(145.00)	-27%
SUBSCRIPTIONS	125.00	480.00	355.00	284%
CONFERENCE CALLS	200.00	200.00	-	0%
TOTAL DIRECT EXPENSES:	50,605.00	56,065.00	5,460.00	11%
INDIRECT EXPENSES:				
FTE	4.60	3.98	(0.62)	-13%
SALARY EXPENSE	342,525.00	296,941.00	(45,584.00)	-13%
BENEFIT EXPENSE	123,008.00	109,946.00	(13,062.00)	-11%
OVERHEAD	111,701.00	97,818.00	(13,883.00)	-12%
TOTAL INDIRECT EXPENSES:	577,234.00	504,705.00	(72,529.00)	-13%
TOTAL ALL EXPENSES:	627,839.00	560,770.00	(67,069.00)	-11%
NET INCOME (LOSS):	(559,639.00)	(419,570.00)	140,069.00	

Member Services and Engagement coordinates and executes a range of projects, initiatives and programs that focus on mentorship, new members, and practice management. These activities are designed to support member competence, professionalism and strengthen community.

In FY19 this cost center will support the direct and indirect costs of: (1) developing a 24-credit Practice Primer Track, the annual Trial Advocacy Program, and a free financial/debt management seminar; (2) supporting 1 Open Sections Night, 4 MentorLink Mixers, the Young Lawyer Liaison Program (to Sections), 4 Public Service Incentive Awards (free CLEs), the Law School WSBA Representatives Program, the WSBA mentorship curriculum, ALPS Attorney Match, and mentorship programs offered by our community partners across the state; (3) supporting those in solo and small-firm practice and those going through practice transitions by continuing to offer free telephone consultations, maintaining a Lending Library, referrals to external consultant and vendors, revamping and developing WSBA online guides; (4) supporting the Washington Young Lawyers Committee and the ABA YLD District Representative; (5) exploring and possibly implementing a rural placement pilot project.

FY19 revenue includes rebates received for WSBA's Practice Management Discount Network, (products made available to WSBA members at a discount), CLE registration for live seminars, and sales of on-demand recorded products. All of which are increased due to more accurate prediction of the product sales and rebates. Indirect costs have decreased to better reflect the actual staff resources needed to deliver these programs.

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MEMBERSHIP BENEFITS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SPONSORSHIPS	-	8,000.00	8,000.00	
INTERNET SALES	-	9,000.00	9,000.00	
TOTAL REVENUE:	-	17,000.00	17,000.00	
DIRECT EXPENSES:				
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	500.00	-	0%
LEGAL LUNCHBOX SPEAKERS & PROGRAM DEVELOP	1,700.00	1,700.00	-	0%
WSBA CONNECTS	46,560.00	46,560.00	-	
CASEMAKER	75,000.00	76,336.00	1,336.00	2%
TOTAL DIRECT EXPENSES:	123,760.00	125,096.00	1,336.00	1%
INDIRECT EXPENSES:				
FTE	0.40	0.73	0.33	83%
SALARY EXPENSE	23,718.00	54,366.00	30,648.00	129%
BENEFIT EXPENSE	9,377.00	20,137.00	10,760.00	115%
OVERHEAD	9,713.00	17,941.00	8,228.00	85%
TOTAL INDIRECT EXPENSES:	42,808.00	92,444.00	49,636.00	116%
TOTAL ALL EXPENSES:	166,568.00	217,540.00	50,972.00	31%
NET INCOME (LOSS):	(166,568.00)	(200,540.00)	(33,972.00)	

This cost center includes costs associated with programs benefiting WSBA's membership as a part of their annual license fee: (1) Casemaker, a free legal research tool; (2) Legal Lunch Box Series, a free monthly CLEs with attendance in excess of 20,000 in FY18; and (3) WSBA Connects, a confidential 24/7 member assistance program operated by Kepro, our community partner (see Lawyer Assistance Program cost center narrative for a fuller description of this program). The cost center also includes the revenue for sponsorship and online sales associated with the Legal Lunchbox Series. In FY19 this cost center includes the implementation of a member health insurance program.

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NORTHWEST LAWYER	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DISPLAY ADVERTISING	400,000.00	297,500.00	(102,500.00)	-26%
SUBSCRIPT/SINGLE ISSUES	350.00	350.00	-	0%
CLASSIFIED ADVERTISING	100,000.00	12,500.00	(87,500.00)	-88%
GEN ANNOUNCEMENTS	15,000.00	17,500.00	2,500.00	17%
PROF ANNOUNCEMENTS	23,000.00	21,000.00	(2,000.00)	-9%
JOB TARGET	-	112,500.00	112,500.00	
TOTAL REVENUE:	538,350.00	461,350.00	(77,000.00)	-14%
DIRECT EXPENSES:				
GRAPHICS/ARTWORK	3,500.00	3,500.00	-	0%
OUTSIDE SALES EXPENSE	75,000.00	-	(75,000.00)	-100%
EDITORIAL ADVIS COMMITTEE EXP	800.00	800.00	-	0%
BAD DEBT EXPENSE	6,000.00	2,000.00	(4,000.00)	-67%
POSTAGE	89,000.00	89,000.00	-	0%
PRINTING & COPYING	250,000.00	250,000.00	-	0%
STAFF MEMBERSHIP DUES	-	135.00	135.00	
DIGITAL/ONLINE DEVELOPMENT	10,200.00	10,200.00	-	0%
TOTAL DIRECT EXPENSES:	434,500.00	355,635.00	(78,865.00)	-18%
INDIRECT EXPENSES:				
FTE	1.80	2.25	0.45	25%
SALARY EXPENSE	129,203.00	177,211.00	48,008.00	37%
BENEFIT EXPENSE	52,295.00	69,783.00	17,488.00	33%
OVERHEAD	43,709.00	55,299.00	11,590.00	27%
TOTAL INDIRECT EXPENSES:	225,207.00	302,293.00	77,086.00	34%
TOTAL ALL EXPENSES:	659,707.00	657,928.00	(1,779.00)	0%
NET INCOME (LOSS):	(121,357.00)	(196,578.00)	(75,221.00)	

NWLawyer is the official publication of WSBA and serves as the primary method of print communication that is received by all WSBA members and is available to inactive and emeritus members on request. A digital online version is also available. The Editorial Advisory Committee provides oversight and guidance as needed. Authors are volunteers and are not paid for their contributions. Editing and production of NWLawyer is administered by the staff in the Communications and Outreach Department. NWLawyer revenues come from sales of advertisements (display ads, classified ads, professional ads, and announcements) and subscriptions (to nonmembers). Expenses include outside advertising sales management, printing, mailing services, postage, and some artwork. All design and layout, as well as much of the photography and artwork, are performed in-house. The overall increase in indirect costs reflects staff time devoted to bringing on a new editor. After vetting several options, WSBA entered into a contract with a professional advertising management company (SagaCity Media) in January 2018 for the express purpose of increasing ad sales revenue. The production team is working with SagaCity to set ad targets and diversify the types of ads included in the magazine to begin to make the magazine more cost-neutral. We are also exploring upgraded platforms for the digital version of the magazine that will allow for additional online ads, producing an additional revenue stream.

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

OFFICE OF GENERAL COUNSEL	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
COURT RULES COMMITTEE	4,000.00	2,000.00	(2,000.00)	-50%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	500.00	(1,000.00)	-67%
CUSTODIANSHIP	2,500.00	2,500.00	-	0%
DEPRECIATION	556.00	3,336.00	2,780.00	500%
STAFF TRAVEL/PARKING	3,240.00	3,240.00	-	0%
STAFF MEMBERSHIP DUES	1,500.00	1,500.00	-	0%
TOTAL DIRECT EXPENSES:	<u>13,296.00</u>	<u>13,076.00</u>	<u>(220.00)</u>	<u>-2%</u>
INDIRECT EXPENSES:				
FTE	5.41	5.75	0.34	6%
SALARY EXPENSE	507,852.00	588,978.00	81,126.00	16%
BENEFIT EXPENSE	172,072.00	196,874.00	24,802.00	14%
OVERHEAD	131,371.00	141,319.00	9,948.00	8%
TOTAL INDIRECT EXPENSES:	<u>811,295.00</u>	<u>927,171.00</u>	<u>115,876.00</u>	<u>14%</u>
TOTAL ALL EXPENSES:	<u>824,591.00</u>	<u>940,247.00</u>	<u>115,656.00</u>	<u>14%</u>
NET INCOME (LOSS):	<u>(824,591.00)</u>	<u>(940,247.00)</u>	<u>(115,656.00)</u>	

The Office of General Counsel serves as counsel to WSBA and the Board of Governors. This office handles or oversees all litigation against WSBA, interpretations and changes to the WSBA bylaws, and other legal issues. It also handles public records requests, custodianship matters, the Lawyers Fund for Client Protection applications, investigation, and processing, and logistical support for Hearing Officers, Conflicts Review Counsel, and for the outside counsel appointed to represent incapacitated respondents in the lawyer discipline system. Staff in this office also supports various boards, committees, task forces, and workgroups, including the Lawyers' Fund for Client Protection Board, the Court Rules Committee, and the Discipline Advisory Round Table. This past fiscal year this office shifted responsibilities and workload. An Associate Director General Counsel will have primary responsibility for the support of boards and Committees, while a second Associate Director will have primary responsibility for the internal functions of the office, such as public records, litigation and contracting. Both Associate Directors will report to the General Counsel.

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

OFFICE OF GENERAL COUNSEL DISCIPLINARY BOARD

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
DISCIPLINARY BOARD EXPENSES	10,000.00	10,000.00	-	0%
CHIEF HEARING OFFICER	33,000.00	33,000.00	-	0%
HEARING OFFICER EXPENSES	3,000.00	3,000.00	-	0%
HEARING OFFICER TRAINING	2,000.00	2,000.00	-	0%
OUTSIDE COUNSEL	55,000.00	55,000.00	-	0%
STAFF MEMBERSHIP DUES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	103,500.00	103,500.00	-	0%
INDIRECT EXPENSES:				
FTE	1.60	1.45	(0.15)	-9%
SALARY EXPENSE	119,426.00	110,578.00	(8,848.00)	-7%
BENEFIT EXPENSE	45,067.00	40,524.00	(4,543.00)	-10%
OVERHEAD	38,853.00	35,637.00	(3,216.00)	-8%
TOTAL INDIRECT EXPENSES:	203,346.00	186,739.00	(16,607.00)	-8%
TOTAL ALL EXPENSES:	306,846.00	290,239.00	(16,607.00)	-5%
NET INCOME (LOSS):	(306,846.00)	(290,239.00)	16,607.00	

The Disciplinary Board reviews stipulations to and hearing officer recommendations for suspension and disbarment, holds public oral arguments, and issues written recommendations to the Supreme Court in disciplinary matters. Four separate Review Committees made up of Disciplinary Board members review disciplinary counsel requests for public hearing, admonition, and interim suspension, and dismissals upon request. One assistant general counsel devotes approximately half of his time to this function, assisted by the Clerk to the Disciplinary Board, who handles a significant number of requests for public discipline information.

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

OUTREACH AND ENGAGEMENT	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
ABA DELEGATES	4,500.00	4,500.00	-	0%
ANNUAL CHAIR MEETINGS	600.00	600.00	-	0%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	4,500.00	-	0%
BOG ELECTIONS	6,500.00	6,500.00	-	0%
BAR OUTREACH	5,000.00	10,000.00	5,000.00	100%
PROFESSIONALISM	750.00	2,000.00	1,250.00	167%
STAFF TRAVEL/PARKING	400.00	1,400.00	1,000.00	250%
STAFF MEMBERSHIP DUES	300.00	1,152.00	852.00	284%
CONFERENCE CALLS	200.00	200.00	-	0%
TOTAL DIRECT EXPENSES:	<u>22,750.00</u>	<u>30,852.00</u>	<u>8,102.00</u>	<u>36%</u>
INDIRECT EXPENSES:				
FTE	2.83	2.83	-	0%
SALARY EXPENSE	218,297.00	224,397.00	6,100.00	3%
BENEFIT EXPENSE	77,759.00	78,903.00	1,144.00	1%
OVERHEAD	68,721.00	69,554.00	833.00	1%
TOTAL INDIRECT EXPENSES:	<u>364,777.00</u>	<u>372,854.00</u>	<u>8,077.00</u>	<u>2%</u>
TOTAL ALL EXPENSES:	<u>387,527.00</u>	<u>403,706.00</u>	<u>16,179.00</u>	<u>4%</u>
NET INCOME (LOSS):	<u>(387,527.00)</u>	<u>(403,706.00)</u>	<u>(16,179.00)</u>	

The Outreach and Engagement Division advances strategic bar initiatives by developing, supporting, and overseeing activities that build relationships with the general public; legal professionals; local, county, and specialty bars; policymakers/influencers, and other stakeholders. Outreach work aims to enhance volunteer recruitment, raise awareness and understanding of WSBA programs and priorities, create a sustainable stakeholder network, and leverage Board and staff as brand ambassadors and champions to influence their networks outside of WSBA.

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

PRACTICE LAW BOARD	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
TRANSLATION SERVICES	200.00	-	(200.00)	-100%
PRACTICE OF LAW BOARD	15,000.00	16,000.00	1,000.00	7%
TOTAL DIRECT EXPENSES:	<u>15,200.00</u>	<u>16,000.00</u>	<u>800.00</u>	<u>5%</u>
INDIRECT EXPENSES:				
FTE	0.65	0.40	(0.25)	-38%
SALARY EXPENSE	66,165.00	50,676.00	(15,489.00)	-23%
BENEFIT EXPENSE	21,484.00	13,438.00	(8,046.00)	-37%
OVERHEAD	15,784.00	9,831.00	(5,953.00)	-38%
TOTAL INDIRECT EXPENSES:	<u>103,433.00</u>	<u>73,945.00</u>	<u>(29,488.00)</u>	<u>-29%</u>
TOTAL ALL EXPENSES:	<u>118,633.00</u>	<u>89,945.00</u>	<u>(28,688.00)</u>	<u>-24%</u>
NET INCOME (LOSS):	<u>(118,633.00)</u>	<u>(89,945.00)</u>	<u>28,688.00</u>	

The Practice of Law Board (POLB) is established by Supreme Court rule and administered by the WSBA to make recommendations to the Supreme Court regarding the practice of law, particularly with regard to the delivery of legal and law related services to the public. The POLB is also charged with educating the public about how to receive competent legal assistance. The POLB reviews allegations of the unauthorized practice of law (UPL) and refers matters for prosecution when appropriate.

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

PROFESSIONAL RESPONSIBILITY PROGRAM

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
RPC COMMITTEE	4,000.00	4,200.00	200.00	5%
STAFF TRAVEL/PARKING	1,800.00	2,000.00	200.00	11%
STAFF MEMBERSHIP DUES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	<u>6,300.00</u>	<u>6,700.00</u>	<u>400.00</u>	<u>6%</u>
INDIRECT EXPENSES:				
FTE	1.89	1.65	(0.24)	-13%
SALARY EXPENSE	169,758.00	160,192.00	(9,566.00)	-6%
BENEFIT EXPENSE	62,970.00	57,702.00	(5,268.00)	-8%
OVERHEAD	45,895.00	40,553.00	(5,342.00)	-12%
TOTAL INDIRECT EXPENSES:	<u>278,623.00</u>	<u>258,447.00</u>	<u>(20,176.00)</u>	<u>-7%</u>
TOTAL ALL EXPENSES:	<u>284,923.00</u>	<u>265,147.00</u>	<u>(19,776.00)</u>	<u>-7%</u>
NET INCOME (LOSS):	<u>(284,923.00)</u>	<u>(265,147.00)</u>	<u>19,776.00</u>	

This program includes the ethics phone line, a resource for members to get answers to ethics questions before they take action; support for the Committee on Professional Ethics; and statewide educational ethics presentations. The Ethics Line provides ethics assistance in around 3,000 member calls a year, and Professional Responsibility Counsel is a frequent local (and occasionally national) speaker, making between 40 and 60 presentations a year on ethical issues of concern to our members.

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

PUBLIC SERVICE PROGRAMS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DONATIONS	95,000.00	110,000.00	15,000.00	16%
PSP PRODUCT SALES	10,000.00	2,000.00	(8,000.00)	-80%
TOTAL REVENUE:	105,000.00	112,000.00	7,000.00	7%
DIRECT EXPENSES:				
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	2,000.00	-	0%
PUBLIC SERVICE EVENTS AND PROJECTS	11,500.00	20,500.00	9,000.00	78%
DONATIONS/SPONSORSHIPS	207,915.00	207,915.00	-	0%
POSTAGE	500.00	-	(500.00)	-100%
PRINTING & COPYING	500.00	-	(500.00)	-100%
STAFF TRAVEL/PARKING	2,000.00	2,000.00	-	0%
CONFERENCE CALLS	200.00	-	(200.00)	-100%
TOTAL DIRECT EXPENSES:	224,615.00	232,415.00	7,800.00	3%
INDIRECT EXPENSES:				
FTE	1.77	1.03	(0.74)	-42%
SALARY EXPENSE	136,436.00	87,057.00	(49,379.00)	-36%
BENEFIT EXPENSE	48,060.00	29,889.00	(18,171.00)	-38%
OVERHEAD	42,981.00	25,315.00	(17,666.00)	-41%
TOTAL INDIRECT EXPENSES:	227,477.00	142,261.00	(85,216.00)	-37%
TOTAL ALL EXPENSES:	452,092.00	374,676.00	(77,416.00)	-17%
NET INCOME (LOSS):	(347,092.00)	(262,676.00)	84,416.00	

Public Service Programs includes staffing and support for the WSBA Moderate Means Program, Call to Duty, the Pro Bono and Public Service Committee, and other activities to promote pro bono and public service through WSBA and with our community partners. Much of this support is provided in the form of grant funding to the partners that help us to deliver our programs, including Washington's three law schools, which partner with WSBA to deliver low-cost legal assistance through the Moderate Means Program. Since 2011, the Moderate Means Program has made over 3,000 referrals and engaged more than 700 attorneys and 300 law students. Since 2015, WSBA has held 7 Day of Service Clinics serving 120 veterans and providing training to over 250 volunteers. In FY19, revenue in the cost center includes revenue from the sale of recorded public service CLEs to those not accessing them for free. Direct costs for this cost center have increased in FY19 to provide grants for up to eight MBA remote legal clinics and to increase outreach and recruitment for the Moderate Means Program. Indirect costs have decreased to better reflect the actual staff resources needed to deliver these programs. Public Service Programs are supported by a grant of \$110,000 from the Washington State Bar Foundation in FY19 (a \$15,000 increase over the FY18 budget).

Washington State Bar Association
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PUBLICATION AND DESIGN SERVICES

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
IMAGE LIBRARY	4,100.00	4,680.00	580.00	14%
STAFF MEMBERSHIP DUES	-	500.00	500.00	
SUBSCRIPTIONS	-	83.00	83.00	
TOTAL DIRECT EXPENSES:	<u>4,100.00</u>	<u>5,263.00</u>	<u>1,163.00</u>	<u>28%</u>
INDIRECT EXPENSES:				
FTE	1.39	1.22	(0.17)	-12%
SALARY EXPENSE	90,187.00	80,074.00	(10,113.00)	-11%
BENEFIT EXPENSE	34,341.00	31,279.00	(3,062.00)	-9%
OVERHEAD	33,753.00	29,984.00	(3,769.00)	-11%
TOTAL INDIRECT EXPENSES:	<u>158,281.00</u>	<u>141,337.00</u>	<u>(16,944.00)</u>	<u>-11%</u>
TOTAL ALL EXPENSES:	<u>162,381.00</u>	<u>146,600.00</u>	<u>(15,781.00)</u>	<u>-10%</u>
NET INCOME (LOSS):	<u>(162,381.00)</u>	<u>(146,600.00)</u>	<u>15,781.00</u>	

Publication and Design Services is responsible for: (1) editing and oversight of WSBA publications (including but not limited to Deskbooks, Sections publications, and NWLawyer); (2) graphic design for WSBA projects, programs, events, and CLE marketing; and (3) shared oversight of, and set up of products on, the WSBA online store.

Washington State Bar Association
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SECTIONS ADMINISTRATION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
REIMBURSEMENTS FROM SECTIONS	308,000.00	300,000.00	(8,000.00)	-3%
TOTAL REVENUE:	<u>308,000.00</u>	<u>300,000.00</u>	<u>(8,000.00)</u>	<u>-3%</u>
DIRECT EXPENSES:				
SECTION/COMMITTEE CHAIR MTGS	2,000.00	1,000.00	(1,000.00)	-50%
DUES STATEMENTS	6,000.00	6,000.00	-	0%
STAFF TRAVEL/PARKING	1,200.00	1,200.00	-	0%
STAFF MEMBERSHIP DUES	-	125.00	125.00	
SUBSCRIPTIONS	300.00	372.00	72.00	24%
CONFERENCE CALLS	300.00	300.00	-	0%
MISCELLANEOUS	300.00	300.00	-	0%
TOTAL DIRECT EXPENSES:	<u>10,100.00</u>	<u>9,297.00</u>	<u>(803.00)</u>	<u>-8%</u>
INDIRECT EXPENSES:				
FTE	4.00	4.25	0.25	6%
SALARY EXPENSE	266,847.00	297,955.00	31,108.00	12%
BENEFIT EXPENSE	100,979.00	111,672.00	10,693.00	11%
OVERHEAD	97,132.00	104,454.00	7,322.00	8%
TOTAL INDIRECT EXPENSES:	<u>464,958.00</u>	<u>514,081.00</u>	<u>49,123.00</u>	<u>11%</u>
TOTAL ALL EXPENSES:	<u>475,058.00</u>	<u>523,378.00</u>	<u>48,320.00</u>	<u>10%</u>
NET INCOME (LOSS):	<u>(167,058.00)</u>	<u>(223,378.00)</u>	<u>(56,320.00)</u>	

The WSBA has 29 sections and provides the administrative functions necessary to support them. Direct staff time and expenses related to administering the sections are included in this cost center. This cost center also supports the indirect costs of developing 70 credit hours of 'Mini CLEs' for Sections in FY19. Sections partially reimburse WSBA for the cost of supporting sections through a charge of \$18.75 per member (shown as revenue in this cost center and as an expense on each section's financial statement). Expenses are the costs associated with the preparation and mailing of the annual section dues invoices, the collection of section dues, and staff-related expenses for supporting the sections. Overall direct expenses for the cost center in FY19 are reduced from FY18.

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

TECHNOLOGY	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
COMPUTER HARDWARE	29,000.00	29,000.00	-	0%
COMPUTER SOFTWARE	29,000.00	29,000.00	-	0%
HARDWARE SERVICE & WARRANTIES	47,000.00	60,000.00	13,000.00	28%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	270,000.00	-	0%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	10,000.00	(16,000.00)	-62%
COMPUTER SUPPLIES	34,000.00	15,000.00	(19,000.00)	-56%
THIRD PARTY SERVICES	74,050.00	143,000.00	68,950.00	93%
CONSULTING SERVICES	110,000.00	85,000.00	(25,000.00)	-23%
STAFF TRAVEL/PARKING	2,500.00	2,500.00	-	0%
STAFF MEMBERSHIP DUES	110.00	110.00	-	0%
TELEPHONE	24,000.00	24,000.00	-	0%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(667,610.00)	(21,950.00)	3%
TOTAL DIRECT EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	
INDIRECT EXPENSES:				
FTE	12.10	12.10	-	0%
SALARY EXPENSE	1,036,073.00	1,059,680.00	23,607.00	2%
CAPITAL LABOR	(194,000.00)	(147,100.00)	46,900.00	-24%
BENEFIT EXPENSE	355,694.00	368,995.00	13,301.00	4%
OVERHEAD	293,823.00	297,385.00	3,562.00	1%
TOTAL INDIRECT EXPENSES:	<u>1,491,590.00</u>	<u>1,578,960.00</u>	<u>87,370.00</u>	<u>6%</u>
TOTAL ALL EXPENSES:	<u>1,491,590.00</u>	<u>1,578,960.00</u>	<u>87,370.00</u>	<u>6%</u>
NET INCOME (LOSS):	<u>(1,491,590.00)</u>	<u>(1,578,960.00)</u>	<u>(87,370.00)</u>	

This cost center includes the resources devoted to developing and maintaining WSBA's technology infrastructure and business applications. Expenses reflected here are solely for staffing (salaries, benefits, and overhead). Direct costs are allocated out to all cost centers through "Overhead" in the indirect expense allocation. Direct expenses are for hardware, software, and the ongoing maintenance necessary to support the WSBA's technology needs, data security and management, and disaster recovery work. Falling into these categories are application and database servers, network devices, switches and cabling equipment, workstations (desktops and laptops), printers, fax machines, telecommunications (phone switch and phone sets), and software. Software includes Microsoft Office products as well as other business applications (e.g., membership database, MCLE tracking system, Online Admissions software, Limited Practice Officer software, case management software, website management software, desktop publishing and graphics software, and accounting software).

In FY19, consulting fees are reduced because more software application development work will occur in-house. The increase in third party services reflects the consolidation of subscription costs from other cost centers into the Technology cost center (telecast service costs from CLE and performance management system costs from HR).

B

**2019 WSBA BUDGET WORKSHEET
CAPITAL BUDGET**

	COST CENTER	UNIT COST	QTY	AMOUNT	USEFUL LIFE (YRS)	ESTIMATED IN SERVICE DATE	ANNUAL DEPRECIATION EXPENSE	BUDGET FY 2019
Capital Software (General Indirects)								
GILDA System Replacement (Phase I- project to finish in FY20)	DISC	100,000	1	100,000	5	Jan-20	20,000	0
		100,000		100,000			20,000	0
Capital Labor								
<i>Lawyer Opt-In Membership Directory (project continuation from FY18)</i>		25,000	1	25,000	5	Oct-18	5,000	5,000
Personify Enhancements		27,100	1	27,100	3	Jul-19	9,033	2,258
		52,100		52,100			14,033	7,258
Total				152,100			34,033	7,258
Capital Hardware (General Indirects):								
Network Infrastructure Upgrades		20,000	1	20,000	5	Dec-18	4,000	3,333
Total				20,000			4,000	3,333
Equipment (General Indirects)								
Copier Replacement (RSD)		10,000	1	10,000	5	Oct-18	2,000	2,000
Leasehold Improvements (General Indirects)								
Leasehold Improvements for Miscellaneous Office Moves		10,000	1	10,000	8	Oct-18	1,250	1,250
Leasehold Improvements for Conference Center Rooms		50,000	1	50,000	8	Oct-18	6,250	6,250
Total				70,000			9,500	9,500
GRAND TOTAL				242,100			47,533	20,092

B-1

WASHINGTON STATE BAR ASSOCIATION

TO: Budget and Audit Committee
FROM: Ann Holmes, Chief Operations Officer
DATE: June 7, 2018
RE: FY18 Capital Budget Reallocation Request to Improve Sound Systems in Conference Center, Hearing Room, and Public Meeting Rooms

ACTION REQUESTED: Reallocate \$50,000 in the FY18 Capital Budget to improve sound systems in the WSBA Conference Center, Hearing Room, and Public Meeting Rooms this year.

Budget and Audit Committee Authority

The WSBA Fiscal Responsibility Matrix authorizes the Budget & Audit Committee to reallocate “budgeted expenditures where there is a change of intent, which do not affect the annual budget’s bottom line...between \$10,001 and \$20,000 per item, or between \$50,001 and \$100,000 collectively during the fiscal year.”

Budgeted Use: Improve Air Circulation in Conference Center Control Booth

The Conference Center was built in 2016 as part of the WSBA office space renovation and lease renewal at Puget Sound Plaza. Following completion, it was found that the building’s HVAC system had insufficient dedicated cooling capacity to fully handle the heat load generated by the equipment in the A/V control booth. The temperature in the control booth was too hot when the ambient temperature in the Conference Center was set at a normal range. The situation was exacerbated on very hot summer days, when the Conference Center room temperature was higher than recommended operational limits for the equipment.

In consultation with Puget Sound Plaza building management and our renovation contractor, we were advised that we would need to enhance the HVAC capacity for the control booth in order to address the situation. At a cost of nearly \$50,000, the project would require permitting and involve extensive engineering to install dedicated ducting and additional cooling capacity for the space. We requested and the Board approved \$50,000 in the FY18 Capital Budget to address the issue.

We also looked for and found a practical, more cost-effective way to manage the cooling capacity that does not require use of the budgeted FY18 capital funds: (1) keep the temperature in the Conference Center cool and the control booth window open into the Conference Center at all times; (2) install locks on the Conference Center doors that meet ADA requirements and keep the equipment secure when the Conference Center is not in use; and (3) use a portable air conditioning unit in the control booth for the 10 or so very hot days each summer when additional cooling is necessary.

Requested Use: Improve Conference Center and Meeting Room Sound Systems

Virtual participation in WSBA meetings is often frustrating, in part because of technology disruptions. WSBA regularly receives feedback that remote participants are unable to hear what is being said in the room. This is caused by the air space between the speaker and the telephone, resulting in a reduction in sound quality on the telephone. The situation can be improved by installing technology that facilitates a direct connection between the microphones to the telephone. This will eliminate sound degradation and prevent inclusion of surrounding noises.

After conducting due diligence, we solicited and received bids from four vendors, who proposed solutions ranging from \$42,000 to \$155,000. The lowest bid was submitted by Advanced Broadcast Solutions (ABS), the audio/visual vendor with whom we have worked since 2010 (ABS designed and engineered the audio/visual systems at the former WSBA Conference Center in Century Square that operated from 2010 to 2015; as well as those in the current Conference Center and Hearing Room). Based on experience, we believe that ABS would provide the best, most cost effective solution for WSBA. We have been very pleased with their work, responsiveness, and ability to come in on budget.

The proposed ABS solution is to install and integrate ceiling tile microphones with the existing speakers and telephone lines in each of the rooms (Conference Center, Hearing Room, and Mountain Rooms). It leverages as much of our existing audio hardware as possible, in order to minimize costs. Key features include:

- Ceiling tile microphones specifically designed to capture voices while filtering/eliminating “white noise” in the room. The quality of the new microphones combined with the integration of telephone lines will significantly improve the sound experience for remote participants. The ceiling microphones would be less intrusive than multiple bat phones and table microphones.
- Each room would have a control panel to adjust the microphones, speakers, and to use the telephone for remote participation.
- Speakers around the new microphones would be automatically disabled when the ceiling microphone is active in order to eliminate sound distortion from feedback.
- The system would tie into the Conference Center and Hearing Room hearing loops, making participation easier for the hearing impaired.
- The system would work for meetings in combined as well as individual Mountain Rooms.

Impact on FY18 Capital Budget and FY19 Draft Capital Budget

There will be no impact to the FY18 Capital Budget, because the cost of the sound system upgrade is within the amount originally budgeted to address air circulation issues.

The FY19 First Draft Capital Budget includes \$50,000 to improve these sound systems. If the Committee authorizes the requested reallocation, this amount will be removed from the FY19 Capital Budget request.

C

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CONTINUING LEGAL EDUCATION (CLE)

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	1,000.00	1,000.00	-	0%
SEMINAR REGISTRATIONS	864,735.00	876,000.00	11,265.00	1%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	41,500.00	12,000.00	41%
COURSEBOOK SALES	17,000.00	11,000.00	(6,000.00)	-35%
MP3 AND VIDEO SALES	950,000.00	950,000.00	-	0%
TOTAL REVENUE:	1,862,235.00	1,879,500.00	17,265.00	1%
DIRECT EXPENSES:				
COST OF SALES - COURSEBOOKS	1,190.00	1,200.00	10.00	1%
A/V DEVELOP COSTS (RECORDING)	1,500.00	1,500.00	-	0%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	40,000.00	-	0%
SEMINAR ONLINE DELIVERY EXPENSES	42,000.00	-	(42,000.00)	-100%
SHIPPING SUPPLIES	100.00	100.00	-	0%
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	500.00	(1,500.00)	-75%
COURSEBOOK PRODUCTION	4,000.00	3,000.00	(1,000.00)	-25%
POSTAGE - FLIERS/CATALOGS	30,000.00	10,685.00	(19,315.00)	-64%
POSTAGE - MISCELLANEOUS	2,500.00	2,500.00	-	0%
ACCREDITATION FEES	3,550.00	4,696.00	1,146.00	32%
SEMINAR BROCHURES	55,000.00	20,770.00	(34,230.00)	-62%
FACILITIES	250,000.00	223,500.00	(26,500.00)	-11%
SPEAKERS & PROGRAM DEVELOP	58,000.00	68,100.00	10,100.00	17%
SPLITS TO SECTIONS- SEMINARS	51,777.00	-	(51,777.00)	-100%
SPLITS TO CO-SPONSORS	7,500.00	-	(7,500.00)	-100%
HONORARIA	10,000.00	-	(10,000.00)	-100%
CLE SEMINAR COMMITTEE	500.00	500.00	-	0%
BAD DEBT EXPENSE	600.00	600.00	-	0%
DEPRECIATION	10,615.00	5,540.00	(5,075.00)	-48%
STAFF TRAVEL/PARKING	3,000.00	5,675.00	2,675.00	89%
STAFF MEMBERSHIP DUES	1,550.00	1,260.00	(290.00)	-19%
SUPPLIES	2,000.00	3,650.00	1,650.00	83%
MISCELLANEOUS	200.00	-	(200.00)	-100%
TOTAL DIRECT EXPENSES:	577,582.00	393,776.00	(183,806.00)	-32%
INDIRECT EXPENSES:				
FTE	9.94	9.72	(0.22)	-2%
SALARY EXPENSE	641,812.00	655,464.00	13,652.00	2%
BENEFIT EXPENSE	244,970.00	253,138.00	8,168.00	3%
OVERHEAD	241,372.00	238,891.00	(2,481.00)	-1%
TOTAL INDIRECT EXPENSES:	1,128,154.00	1,147,493.00	19,339.00	2%
TOTAL ALL EXPENSES:	1,705,736.00	1,541,269.00	(164,467.00)	-10%
NET INCOME (LOSS):	156,499.00	338,231.00	181,732.00	

The CLE cost center includes revenues and costs associated with CLE seminars and products. Revenues include seminar registrations, sponsorships, online sales of coursebooks, and sales of recorded CLE seminars (both video and audio). Consistent with revenues, expenses reflect the cost of production of seminars and products. Revenue for live CLE participation continues to decline as revenue for recorded products continues to rise. Beginning in FY19 fiscal policy for sharing CLE revenue with Sections has changed. Under the new policy, Sections and WSBA CLE will split live and on-demand seminar revenue after actual direct and indirect costs have been recouped. This policy shift will increase the overall splits to Sections as compared to the former policy which was based on live revenue only. As in FY18, WSBA CLE continues to look for opportunities to decrease direct and indirect costs. In FY17, Deskbooks were included in this cost center; they are now accounted for separately in the Deskbooks cost center.

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CONTINUING LEGAL EDUCATION (CLE)- SEMINARS

FISCAL 2018
BUDGET

FISCAL 2019
BUDGET

\$ CHANGE IN
BUDGET

% CHANGE
IN BUDGET

REVENUE:

SEMINAR REGISTRATIONS	864,735.00	876,000.00	11,265.00	1%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	41,500.00	12,000.00	41%
TOTAL REVENUE:	894,235.00	917,500.00	23,265.00	3%

DIRECT EXPENSES:

SEMINAR ONLINE DELIVERY EXPENSES	42,000.00	-	(42,000.00)	-100%
COURSEBOOK PRODUCTION	4,000.00	3,000.00	(1,000.00)	-25%
POSTAGE - FLIERS/CATALOGS	30,000.00	10,685.00	(19,315.00)	-64%
POSTAGE - MISCELLANEOUS	2,500.00	2,500.00	-	0%
ACCREDITATION FEES	3,550.00	4,696.00	1,146.00	32%
SEMINAR BROCHURES	55,000.00	20,770.00	(34,230.00)	-62%
FACILITIES	250,000.00	223,500.00	(26,500.00)	-11%
SPEAKERS & PROGRAM DEVELOP	58,000.00	68,100.00	10,100.00	17%
SPLITS TO SECTIONS- SEMINARS	51,777.00	-	(51,777.00)	-100%
SPLITS TO CO-SPONSORS	7,500.00	-	(7,500.00)	-100%
HONORARIA	10,000.00	-	(10,000.00)	-100%
CLE SEMINAR COMMITTEE	500.00	500.00	-	0%
BAD DEBT EXPENSE	500.00	500.00	-	0%
DEPRECIATION	2,035.00	-	(2,035.00)	-100%
STAFF TRAVEL/PARKING	3,000.00	5,675.00	2,675.00	89%
STAFF MEMBERSHIP DUES	975.00	850.00	(125.00)	-13%
SUPPLIES	2,000.00	3,650.00	1,650.00	83%
TOTAL DIRECT EXPENSES:	523,337.00	344,426.00	(178,911.00)	-34%

INDIRECT EXPENSES:

FTE	8.41	8.09	(0.32)	-4%
SALARY EXPENSE	540,263.00	557,039.00	16,776.00	3%
BENEFIT EXPENSE	206,655.00	213,236.00	6,581.00	3%
OVERHEAD	204,219.00	198,830.00	(5,389.00)	-3%
TOTAL INDIRECT EXPENSES:	951,137.00	969,105.00	17,968.00	2%

TOTAL ALL EXPENSES:	1,474,474.00	1,313,531.00	(160,943.00)	-11%
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NET INCOME (LOSS):	(580,239.00)	(396,031.00)	184,208.00	
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Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CLE - PRODUCTS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	1,000.00	1,000.00	-	0%
COURSEBOOK SALES	17,000.00	11,000.00	(6,000.00)	-35%
MP3 AND VIDEO SALES	950,000.00	950,000.00	-	0%
TOTAL REVENUE:	968,000.00	962,000.00	(6,000.00)	-1%
DIRECT EXPENSES:				
COST OF SALES - COURSEBOOKS	1,190.00	1,200.00	10.00	1%
A/V DEVELOP COSTS (RECORDING)	1,500.00	1,500.00	-	0%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	40,000.00	-	0%
SHIPPING SUPPLIES	100.00	100.00	-	0%
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	500.00	(1,500.00)	-75%
BAD DEBT EXPENSE	100.00	100.00	-	0%
DEPRECIATION	8,580.00	5,540.00	(3,040.00)	-35%
STAFF MEMBERSHIP DUES	575.00	410.00	(165.00)	-29%
MISCELLANEOUS	200.00	-	(200.00)	-100%
TOTAL DIRECT EXPENSES:	54,245.00	49,350.00	(4,895.00)	-9%
INDIRECT EXPENSES:				
FTE	1.53	1.63	0.10	7%
SALARY EXPENSE	101,549.00	98,425.00	(3,124.00)	-3%
BENEFIT EXPENSE	38,315.00	39,902.00	1,587.00	4%
OVERHEAD	37,153.00	40,061.00	2,908.00	8%
TOTAL INDIRECT EXPENSES:	177,017.00	178,388.00	1,371.00	1%
TOTAL ALL EXPENSES:	231,262.00	227,738.00	(3,524.00)	-2%
NET INCOME (LOSS):	736,738.00	734,262.00	(2,476.00)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

DESKBOOKS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	4,000.00	2,000.00	(2,000.00)	-50%
DESKBOOK SALES	100,000.00	80,000.00	(20,000.00)	-20%
SECTION PUBLICATION SALES	6,000.00	3,000.00	(3,000.00)	-50%
CASEMAKER ROYALTIES	60,000.00	75,000.00	15,000.00	25%
TOTAL REVENUE:	170,000.00	160,000.00	(10,000.00)	-6%
DIRECT EXPENSES:				
COST OF SALES - DESKBOOKS	70,000.00	50,000.00	(20,000.00)	-29%
COST OF SALES - SECTION PUBLICATION	1,000.00	750.00	(250.00)	-25%
SPLITS TO SECTIONS	2,000.00	1,000.00	(1,000.00)	-50%
DESKBOOK ROYALTIES	1,000.00	1,000.00	-	0%
SHIPPING SUPPLIES	250.00	150.00	(100.00)	-40%
POSTAGE & DELIVERY-DESKBOOKS	3,000.00	2,000.00	(1,000.00)	-33%
FLIERS/CATALOGS	5,000.00	3,000.00	(2,000.00)	-40%
POSTAGE - FLIERS/CATALOGS	2,500.00	1,500.00	(1,000.00)	-40%
COMPLIMENTARY BOOK PROGRAM	2,000.00	2,000.00	-	0%
BAD DEBT EXPENSE	100.00	100.00	-	0%
RECORDS STORAGE - OFF SITE	7,440.00	7,440.00	-	0%
STAFF MEMBERSHIP DUES	205.00	250.00	45.00	22%
MISCELLANEOUS	200.00	200.00	-	0%
TOTAL DIRECT EXPENSES:	94,695.00	69,390.00	(25,305.00)	-27%
INDIRECT EXPENSES:				
FTE	2.15	2.05	(0.10)	-5%
SALARY EXPENSE	140,713.00	117,663.00	(23,050.00)	-16%
BENEFIT EXPENSE	53,392.00	48,833.00	(4,559.00)	-9%
OVERHEAD	52,208.00	50,383.00	(1,825.00)	-3%
TOTAL INDIRECT EXPENSES:	246,313.00	216,879.00	(29,434.00)	-12%
TOTAL ALL EXPENSES:	341,008.00	286,269.00	(54,739.00)	-16%
NET INCOME (LOSS):	(171,008.00)	(126,269.00)	44,739.00	

WSBA publishes a library of 18 Deskbook titles in substantive areas of Washington law such as family law and real property, as well as civil procedure and ethics; these Deskbooks are intensively researched and edited authoritative treatises that have been cited in 250 Washington state and federal appellate court opinions. Included in the CLE cost center in FY17, this cost center includes revenues and expenses related to the development, publication, and sale of WSBA Deskbooks. Deskbook authors and editors are volunteers who are not paid for their contributions. Revenues are received from sales of Deskbooks (in print and online). Expenses include contract services for cite-checking, copyediting, creation of tables of authorities, indexing, and desktop publishing, as well as the costs of printing and binding.

D

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CLIENT PROTECTION FUND	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
CPF RESTITUTION	3,000.00	3,000.00	-	0%
CPF MEMBER ASSESSMENTS	982,000.00	982,000.00	-	0%
INTEREST REVENUE	7,500.00	7,500.00	-	0%
TOTAL REVENUE:	992,500.00	992,500.00	-	0%
DIRECT EXPENSES:				
GIFTS TO INJURED CLIENTS	400,000.00	500,000.00	100,000.00	25%
CPF BOARD EXPENSES	2,000.00	3,000.00	1,000.00	50%
BANK FEES - WELLS FARGO	1,000.00	1,000.00	-	0%
TOTAL DIRECT EXPENSES:	403,000.00	504,000.00	101,000.00	25%
INDIRECT EXPENSES:				
FTE	1.35	1.25	(0.10)	-7%
SALARY EXPENSE	95,818.00	97,740.00	1,922.00	2%
BENEFIT EXPENSE	35,213.00	35,457.00	244.00	1%
OVERHEAD	32,782.00	30,722.00	(2,060.00)	-6%
TOTAL INDIRECT EXPENSES:	163,813.00	163,919.00	106.00	0%
TOTAL ALL EXPENSES:	566,813.00	667,919.00	101,106.00	18%
NET INCOME (LOSS):	425,687.00	324,581.00	(101,106.00)	

The Lawyers' Fund for Client Protection (LFCP) compensates persons who are the victims of the dishonest taking of, or failure to account for, client funds or property by a lawyer. It does not cover malpractice claims or fee disputes. All payments are discretionary and must be approved by the LFCP Board or, in the case of payments over \$25,000, by the Board of Governors, who serves as the trustees of the Fund. The LFCP is funded by a mandatory annual assessment of \$30 per active member, house counsel, and pro hac vice admissions. During FY17, the BOG approved the LFCP Board recommendation to increase the maximum amount that can be awarded on any claim to \$150,000. Also, the Supreme Court approved amendments to the Admission and Practice Rules to: (1) change the name to the Client Protection Fund, and (2) provide that the actions of LPOs and LLLTs will be included within the coverage provided by the LFCP, effective September 1, 2017.

E

NWLAWYER

DESCRIPTION

NWLawyer is the official publication of WSBA, authorized by GR 12. Published nine times annually, *NWLawyer* serves as the primary method of print communications that is received by all WSBA members and is available to inactive and emeritus members on request. A digital online version is also available. The Editorial Advisory Committee provides oversight and guidance as needed. Authors are volunteers and are not paid for their contributions. Editing and design of *NWLawyer* is administered by the staff in the Communications and Outreach Department. *NWLawyer* revenues are received from sales of advertisements (display ads, classified ads, professional ads, and announcements) and subscriptions (by nonmembers). Expenses include outside advertising sales management, printing, mailing services, postage, and some artwork. All design and layout, as well as much of the photography and artwork, are performed in-house.

OBJECTIVES

- A primary communication method about WSBA's and BOG's work
- Inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and enrich their careers
- Members get a voice
- Fiscal goal: Produce a high-quality print magazine for each member as efficiently as possible

PROGRAM/MEMBER IMPACT/REACH

- Approximately 34,000 issues printed and mailed each issue
- Approximately 1,180 unique online readers each month
- Initial surveying of members indicates *NWLawyer* is consistently the top communication channel and most widely recognized/anticipated WSBA service
- An author in the April/May issue received more than 100 positive letters in response to his article and wrote: "I feel connected to the legal community because of how they have responded."

FINANCES (DETAILED HISTORY ATTACHED)

	FY15 ACTUAL	FY16 ACTUAL	FY17 ACTUAL	FY18 BUDGET	FY19 BUDGET
Revenue	\$548,424	\$519,051	\$544,535	\$538,350	\$461,350
Direct Expense	\$422,691	\$383,100	\$409,454	\$434,500	\$355,635
Indirect Expense	\$164,276	\$224,761	\$204,294	\$225,207	\$302,963
Net	(\$38,543)	(\$88,810)	(\$69,212)	(\$121,357)	(\$197,248)

POTENTIAL OPTIONS/CONSIDERATIONS

1. Draft FY19 Budget

- We are just starting to see returns from switching to a professional advertising company, SagaCity. We are working with SagaCity representatives to explore a broader market for print and online ads and how to hit a higher ad-revenue target. We expect to adjust the revenues and expenses accordingly by the end of June.

2. Discontinue print publication/become exclusively digital/online

- Print-production savings of \$257,000 annually. (FY17—\$257,197 total cost for printing and mailing; average cost per issue was \$25,472; average postage per issue was \$9,500.)
- SagaCity predicts a substantial decline in advertising revenue and reader engagement. An advertiser who currently spends \$2,500 for a print ad would expect to pay \$200-\$300 for the same ad online. For

NWLAWYER

"SeattleMet," the average reader spends more than an hour with the print version, less than 2 minutes with the online content (at the high end). SagaCity's assessment of the recent history of the magazine industry is that four to five years ago a lot of publishing houses spent a lot of money taking their magazines digital and most of them have backed off from that today. None of the magazines it publishes or its clients publish are currently online only. SagaCity's current strength of sales is based on a print publication mailed to every legal professional in the state. The value of online content is as an "add-on" to print, for updating breaking news and as a venue for selling additional ads.

- "Online overload"—WSBA loses its print outreach channel, and *NWLawyer* becomes relegated to members' already overloaded inboxes. Anecdotal feedback suggests the magazine is often read because it is in print format, widely available on office desks and coffee tables.

3. Other Options to pursue

- Reduce costs:
 - Fewer issues per year. (Average cost for printing an issue is \$25,472 with \$9,500 in postage; Ad revenues from SagaCity in March were \$33,151.)
 - Opportunities for print savings (paper stock, vendor); we are exploring options with other printers and paper suppliers.
- Increase revenues:
 - Set an ad target with SagaCity for each issue that maximizes the editorial/ad ratio and expands non-member ad sales
 - Look at revenue potential from online ads

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2015 to September 30, 2015
100% OF YEAR COMPLETE

	FISCAL 2015 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,080.90	(1,080.90)	
DISPLAY ADVERTISING	540,000.00	54,453.00	423,011.50	116,988.50	78.34%
SUBSCRIPT/SINGLE ISSUES	500.00	-	421.00	79.00	84.20%
CLASSIFIED ADVERTISING	70,000.00	1,709.00	81,222.94	(11,222.94)	116.03%
GEN ANNOUNCEMENTS	17,000.00	2,000.00	18,400.00	(1,400.00)	108.24%
PROF ANNOUNCEMENTS	20,000.00	3,162.50	24,287.50	(4,287.50)	121.44%
TOTAL REVENUE:	647,500.00	61,324.50	548,423.84	99,076.16	84.70%
DIRECT EXPENSES:					
GRAPHICS/ARTWORK	4,500.00	-	725.00	3,775.00	16.11%
OUTSIDE SALES EXPENSE	100,000.00	9,346.17	76,410.46	23,589.54	76.41%
EDITOR'S COMPENSATION & EXP	50,000.00	3,006.45	27,935.38	22,064.62	55.87%
EDITORIAL ADVISORY COMMITTEE	750.00	84.74	633.61	116.39	84.48%
DIGITAL/ONLINE DEVELOPMENT	8,400.00	700.00	6,500.00	1,900.00	77.38%
BAD DEBT EXPENSE	2,000.00	3,175.00	6,574.00	(4,574.00)	328.70%
CREDIT CARD MERCHANT FEES	4,000.00	258.76	1,978.10	2,021.90	49.45%
POSTAGE	67,000.00	10,105.62	86,679.46	(19,679.46)	129.37%
PRINTING, COPYING & MAILING	220,000.00	27,033.62	215,255.19	4,744.81	97.84%
TOTAL DIRECT EXPENSES:	456,650.00	53,710.36	422,691.20	33,958.80	92.56%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.30 FTE)	99,146.00	7,613.69	99,707.90	(561.90)	100.57%
BENEFITS EXPENSE	31,836.00	3,637.10	33,756.15	(1,920.15)	106.03%
OTHER INDIRECT EXPENSE	27,373.00	3,155.49	30,812.05	(3,439.05)	112.56%
TOTAL INDIRECT EXPENSES:	158,355.00	14,406.28	164,276.10	(5,921.10)	103.74%
TOTAL ALL EXPENSES:	615,005.00	68,116.64	586,967.30	28,037.70	95.44%
NET INCOME (LOSS):	32,495.00	(6,792.14)	(38,543.46)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2016 to September 30, 2016
100% OF YEAR COMPLETE

	FISCAL 2016 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,231.13	(1,231.13)	
DISPLAY ADVERTISING	440,000.00	51,409.25	394,624.00	45,376.00	89.69%
SUBSCRIPT/SINGLE ISSUES	450.00	-	288.00	162.00	64.00%
CLASSIFIED ADVERTISING	84,000.00	880.00	82,418.12	1,581.88	98.12%
GEN ANNOUNCEMENTS	19,000.00	2,150.00	12,750.00	6,250.00	67.11%
PROF ANNOUNCEMENTS	24,000.00	3,242.50	27,740.00	(3,740.00)	115.58%
TOTAL REVENUE:	567,450.00	57,681.75	519,051.25	48,398.75	91.47%
DIRECT EXPENSES:					
GRAPHICS/ARTWORK	2,500.00	862.02	2,380.22	119.78	95.21%
OUTSIDE SALES EXPENSE	80,000.00	7,116.08	71,461.66	8,538.34	89.33%
EDITORIAL ADVISORY COMMITTEE	800.00	61.22	848.59	(48.59)	106.07%
DIGITAL/ONLINE DEVELOPMENT	8,400.00	100.00	6,750.00	1,650.00	80.36%
BAD DEBT EXPENSE	1,000.00	125.00	(1,100.00)	2,100.00	-110.00%
POSTAGE	70,000.00	-	79,820.33	(9,820.33)	114.03%
PRINTING, COPYING & MAILING	220,000.00	26,424.45	222,939.27	(2,939.27)	101.34%
SURVEY	9,000.00	-	-	9,000.00	0.00%
TOTAL DIRECT EXPENSES:	391,700.00	34,688.77	383,100.07	8,599.93	97.80%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.80 FTE)	137,091.00	17,219.69	136,225.61	865.39	99.37%
BENEFITS EXPENSE	47,052.00	3,343.72	45,934.25	1,117.75	97.62%
OTHER INDIRECT EXPENSE	43,088.00	4,358.05	42,601.17	486.83	98.87%
TOTAL INDIRECT EXPENSES:	227,231.00	24,921.46	224,761.03	2,469.97	98.91%
TOTAL ALL EXPENSES:	618,931.00	59,610.23	607,861.10	11,069.90	98.21%
NET INCOME (LOSS):	(51,481.00)	(1,928.48)	(88,809.85)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2017 to September 30, 2017
100.00% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	1,133.91	(1,133.91)	
DISPLAY ADVERTISING	440,000.00	39,631.25	388,376.50	51,623.50	88.27%
SUBSCRIPT/SINGLE ISSUES	450.00	-	251.82	198.18	55.96%
CLASSIFIED ADVERTISING	89,000.00	11,377.56	124,927.63	(35,927.63)	140.37%
GEN ANNOUNCEMENTS	17,000.00	2,000.00	10,800.00	6,200.00	63.53%
PROF ANNOUNCEMENTS	27,000.00	1,850.00	19,045.00	7,955.00	70.54%
TOTAL REVENUE:	573,450.00	54,858.81	544,534.86	28,915.14	94.96%
DIRECT EXPENSES:					
GRAPHICS/ARTWORK	3,500.00	-	1,583.80	1,916.20	45.25%
OUTSIDE SALES EXPENSE	80,000.00	-	45,989.86	34,010.14	57.49%
EDITORIAL ADVISORY COMMITTEE	800.00	17.43	210.74	589.26	26.34%
DIGITAL/ONLINE DEVELOPMENT	8,400.00	800.00	6,700.00	1,700.00	79.76%
BAD DEBT EXPENSE	1,000.00	2,237.00	6,057.00	(5,057.00)	605.70%
POSTAGE	89,100.00	-	91,714.92	(2,614.92)	102.93%
PRINTING, COPYING & MAILING	220,000.00	50,026.09	257,197.34	(37,197.34)	116.91%
TOTAL DIRECT EXPENSES:	402,800.00	53,080.52	409,453.66	(6,653.66)	101.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.72 FTE)	131,759.00	9,755.69	126,951.31	4,807.69	96.35%
BENEFITS EXPENSE	48,872.00	2,658.13	39,511.39	9,360.61	80.85%
OTHER INDIRECT EXPENSE	40,777.00	3,492.88	37,830.83	2,946.17	92.77%
TOTAL INDIRECT EXPENSES:	221,408.00	15,906.70	204,293.53	17,114.47	92.27%
TOTAL ALL EXPENSES:	624,208.00	68,987.22	613,747.19	10,460.81	98.32%
NET INCOME (LOSS):	(50,758.00)	(14,128.41)	(69,212.33)		

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

NORTHWEST LAWYER	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DISPLAY ADVERTISING	400,000.00	297,500.00	(102,500.00)	-26%
SUBSCRIPT/SINGLE ISSUES	350.00	350.00	-	0%
CLASSIFIED ADVERTISING	100,000.00	12,500.00	(87,500.00)	-88%
GEN ANNOUNCEMENTS	15,000.00	17,500.00	2,500.00	17%
PROF ANNOUNCEMENTS	23,000.00	21,000.00	(2,000.00)	-9%
JOB TARGET	-	112,500.00	112,500.00	
TOTAL REVENUE:	538,350.00	461,350.00	(77,000.00)	-14%
DIRECT EXPENSES:				
GRAPHICS/ARTWORK	3,500.00	3,500.00	-	0%
OUTSIDE SALES EXPENSE	75,000.00	-	(75,000.00)	-100%
EDITORIAL ADVIS COMMITTEE EXP	800.00	800.00	-	0%
BAD DEBT EXPENSE	6,000.00	2,000.00	(4,000.00)	-67%
POSTAGE	89,000.00	89,000.00	-	0%
PRINTING & COPYING	250,000.00	250,000.00	-	0%
STAFF MEMBERSHIP DUES	-	135.00	135.00	
DIGITAL/ONLINE DEVELOPMENT	10,200.00	10,200.00	-	0%
TOTAL DIRECT EXPENSES:	434,500.00	355,635.00	(78,865.00)	-18%
INDIRECT EXPENSES:				
FTE	1.80	2.25	0.45	25%
SALARY EXPENSE	129,203.00	177,211.00	48,008.00	37%
BENEFIT EXPENSE	52,295.00	69,783.00	17,488.00	33%
OVERHEAD	43,709.00	55,299.00	11,590.00	27%
TOTAL INDIRECT EXPENSES:	225,207.00	302,293.00	77,086.00	34%
TOTAL ALL EXPENSES:	659,707.00	657,928.00	(1,779.00)	0%
NET INCOME (LOSS):	(121,357.00)	(196,578.00)	(75,221.00)	

NWLawyer is the official publication of WSBA and serves as the primary method of print communication that is received by all WSBA members and is available to inactive and emeritus members on request. A digital online version is also available. The Editorial Advisory Committee provides oversight and guidance as needed. Authors are volunteers and are not paid for their contributions. Editing and production of NWLawyer is administered by the staff in the Communications and Outreach Department. NWLawyer revenues come from sales of advertisements (display ads, classified ads, professional ads, and announcements) and subscriptions (to nonmembers). Expenses include outside advertising sales management, printing, mailing services, postage, and some artwork. All design and layout, as well as much of the photography and artwork, are performed in-house. The overall increase in indirect costs reflects staff time devoted to bringing on a new editor. After vetting several options, WSBA entered into a contract with a professional advertising management company (SagaCity Media) in January 2018 for the express purpose of increasing ad sales revenue. The production team is working with SagaCity to set ad targets and diversify the types of ads included in the magazine to begin to make the magazine more cost-neutral. We are also exploring upgraded platforms for the digital version of the magazine that will allow for additional online ads, producing an additional revenue stream.

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CLE – DESKBOOKS

DESCRIPTION

WSBA publishes a library of 18 Deskbook titles in substantive areas of Washington law such as family law and real property, as well as civil procedure and ethics; these Deskbooks are intensively researched and edited authoritative treatises that have been cited in over 250 Washington state and federal appellate court opinions. This cost center includes revenues and expenses related to the development, publication, and sale of WSBA Deskbooks. Deskbook authors and editors are volunteers who are not paid for their contributions. Revenues are received from sales of Deskbooks (in print and online). Expenses include contract services for cite-checking, copyediting, creation of tables of authorities, indexing, and desktop publishing, as well as the costs of printing and binding.

OBJECTIVES

- Strong mission focus: We serve the public through competent, well-qualified members; Deskbooks advance member competency in substantive areas of law as well as ethics. One Deskbook is specifically on ethics (edited by members of the Office of Disciplinary Counsel); another on the Law of Lawyering in Washington is edited by two emeritus professors at UW School of Law.
- Member benefit: Deskbooks are written for members by members, focused on practice tips and full of practice-ready documents (forms, checklists, sample pleadings) from leading practitioners; we build a community of experts and mentees who collaboratively write and edit the books throughout the years, with senior authors bringing along junior lawyers in their firm to first assist with the research and writing and ultimately to take over as senior author.
- Availability of information (works against cost neutrality): We make this information widely available via public law libraries (who receive an across-the-board 10% discount on deskbooks PLUS free access to all deskbooks online via Casemaker) and Volunteer Legal Service Providers (free access to all deskbooks online via Casemaker) to support the practice of law in Washington; we provide discounts on online subscriptions to deskbooks to solo and small practice members and new members.
- Maintain an authoritative and relied-upon library of Washington law stretching back to 1979.

PROGRAM/MEMBER IMPACT/REACH

- Online subscriptions:
- Typical number of yearly sales: 400 products; lifetime sales: 5,670 products
- Public Law Library orders in FY17: 59 products; free online subscriptions through Casemaker:
- Free online access for LLLT training through UW curriculum (requested by Ellen Dial and Prof. Tom Andrews)
- Cited 250 times by Washington appellate courts, including most recently in Supreme Court's April 2018 opinion, *In re Simmons*.

FINANCES (DETAILED HISTORY ATTACHED)

	FY15 ACTUAL	FY16 ACTUAL	FY17 ACTUAL	FY18 BUDGET	FY19 BUDGET
Revenue	\$235,710	\$178,767	\$127,156	\$170,000	\$160,000
Direct Expense	\$168,403	\$101,473	\$66,642	\$94,695	\$69,390
Indirect Expense	\$224,803	\$231,756	\$238,924	\$246,313	\$216,879
Net	(\$157,496)	(\$154,461)	(\$178,409)	(\$171,008)	(\$126,269)

CLE – DESKBOOKS

POTENTIAL OPTIONS/CONSIDERATIONS

1. Draft FY19 Budget

- What's ahead next year to increase revenues: Two-volume estate-planning and administration Casebook that will replace the separate estate and probate Deskbooks (both of which are good sellers); Construction Law Section has delivered a final manuscript for publication of a new Deskbook.
- Considerations: Deskbook sales are contingent upon staff time and marketing, which are often devoted to other priority, deadline-driven efforts such as *NWLawyer* and store products.

2. Discontinue Deskbooks

- The entire library of knowledge would soon become obsolete.
- Lose "for member by member"-focused resource that enhances Washington practice of law
- Many impacted—law librarians, sections, firms, new and young lawyers, contributors ...

3. Online only – current price structure

- Casemaker built our interface, we do a 70/30 revenue split
- Unknown how users would react to the shift from physical book to online
- Much of the cost of the books is in the editing and citation-checking (Deskbooks have to be 100-percent accurate)
- Currently, the first run of the books pay back the direct costs of creating and publishing the books; second runs and beyond only incur printing and distribution costs.

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2015 to September 30, 2015
100% OF YEAR COMPLETE

	FISCAL 2015 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - PRODUCTS					
REVENUE:					
SHIPPING & HANDLING	9,000.00	639.00	8,291.09	708.91	92.12%
DESKBOOK SALES	150,000.00	3,956.00	120,611.33	29,388.67	80.41%
COURSEBOOK SALES	30,000.00	580.00	17,160.57	12,839.43	57.20%
SECTION PUBLICATION SALES	40,000.00	5,410.00	73,272.74	(33,272.74)	183.18%
LOIS ROYALTIES	-	-	1,272.39	(1,272.39)	
CASEMAKER ROYALTIES	40,000.00	1,409.07	34,998.95	5,001.05	87.50%
MP3 AND VIDEO SALES	450,000.00	36,757.00	640,045.88	(190,045.88)	142.23%
TOTAL REVENUE:	719,000.00	48,751.07	895,652.95	(176,652.95)	124.57%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	100,000.00	2,789.01	89,901.97	10,098.03	89.90%
COST OF SALES - COURSEBOOKS	2,000.00	65.87	1,367.86	632.14	68.39%
COST OF SALES SECTION PUBLICATION	2,000.00	1,614.72	30,826.62	(28,826.62)	1541.33%
A/V DEVELOP COSTS (RECORDING)	1,000.00	-	-	1,000.00	0.00%
DEPRECIATION	3,175.00	265.00	3,180.00	(5.00)	100.16%
OBSOLETE INVENTORY	-	8,839.25	8,839.25	(8,839.25)	
DESKBOOK ROYALTIES	2,000.00	567.91	1,449.91	550.09	72.50%
RECORDED SEMINAR ROYALTIES	-	350.00	350.00	(350.00)	
ONLINE EXPENSES	48,000.00	-	34,037.61	13,962.39	70.91%
SHIPPING SUPPLIES	1,000.00	-	-	1,000.00	0.00%
POSTAGE & DELIVERY-DESKBOOKS	7,000.00	731.36	7,264.51	(264.51)	103.78%
POSTAGE & DELIVERY-COURSEBOOKS	1,500.00	83.36	1,503.33	(3.33)	100.22%
SPLITS WITH SECTIONS	7,000.00	2,071.56	14,900.56	(7,900.56)	212.87%
FLIERS/CATALOGS	6,000.00	2,528.23	5,470.09	529.91	91.17%
POSTAGE - FLIERS/CATALOGS	4,000.00	2,918.81	5,773.18	(1,773.18)	144.33%
EQUIPMENT, HARD. & SOFTWARE	1,000.00	-	-	1,000.00	0.00%
COMPLIMENTARY BOOK PROGRAM	5,000.00	489.09	2,568.05	2,431.95	51.36%
BAD DEBT EXPENSE	200.00	-	-	200.00	0.00%
CREDIT CARD MERCHANT FEES	12,000.00	1,042.80	18,553.33	(6,553.33)	154.61%
RECORDS STORAGE - OFF SITE	-	1,240.00	8,680.00	(8,680.00)	
STAFF MEMBERSHIP DUES	500.00	-	410.00	90.00	82.00%
MISCELLANEOUS	100.00	-	30.00	70.00	30.00%
TOTAL DIRECT EXPENSES:	203,475.00	25,596.97	235,106.27	(31,631.27)	115.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.93 FTE)	320,816.00	26,232.16	333,174.02	(12,358.02)	103.85%
BENEFITS EXPENSE	107,302.00	9,291.63	105,318.28	1,983.72	98.15%
OTHER INDIRECT EXPENSE	103,806.00	11,983.56	116,988.21	(13,182.21)	112.70%
TOTAL INDIRECT EXPENSES:	531,924.00	47,507.35	555,480.51	(23,556.51)	104.43%
TOTAL ALL EXPENSES:	735,399.00	73,104.32	790,586.78	(55,187.78)	107.50%
NET INCOME (LOSS):	(16,399.00)	(24,353.25)	105,066.17		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2016 to September 30, 2016
100% OF YEAR COMPLETE

	FISCAL 2016 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLE - PRODUCTS					
REVENUE:					
SHIPPING & HANDLING	5,750.00	314.22	6,884.22	(1,134.22)	119.73%
DESKBOOK SALES	100,000.00	3,274.00	110,540.82	(10,540.82)	110.54%
COURSEBOOK SALES	25,000.00	2,342.00	19,688.12	5,311.88	78.75%
SECTION PUBLICATION SALES	19,000.00	877.50	21,678.24	(2,678.24)	114.10%
CASEMAKER ROYALTIES	75,000.00	11,070.87	41,894.69	33,105.31	55.86%
MP3 AND VIDEO SALES	600,000.00	46,248.07	848,132.13	(248,132.13)	141.36%
TOTAL REVENUE:	824,750.00	64,126.66	1,048,818.22	(224,068.22)	127.17%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	70,000.00	2,669.72	73,724.15	(3,724.15)	105.32%
COST OF SALES - COURSEBOOKS	1,750.00	254.98	1,740.96	9.04	99.48%
COST OF SALES SECTION PUBLICATION	3,500.00	156.08	3,680.38	(180.38)	105.15%
A/V DEVELOP COSTS (RECORDING)	1,700.00	-	1,500.00	200.00	88.24%
DEPRECIATION	6,513.33	520.00	5,222.00	1,291.33	80.17%
DESKBOOK ROYALTIES	1,000.00	-	781.39	218.61	78.14%
RECORDED SEMINAR ROYALTIES	-	27.50	662.50	(662.50)	
ONLINE EXPENSES	40,000.00	3,090.67	40,513.48	(513.48)	101.28%
SHIPPING SUPPLIES	500.00	-	-	500.00	0.00%
POSTAGE & DELIVERY-DESKBOOKS	5,000.00	174.45	4,883.63	116.37	97.67%
POSTAGE & DELIVERY-COURSEBOOKS	5,000.00	131.93	1,367.45	3,632.55	27.35%
SPLITS WITH SECTIONS	6,000.00	1,132.94	6,352.16	(352.16)	105.87%
FLIERS/CATALOGS	6,000.00	-	4,011.87	1,988.13	66.86%
POSTAGE - FLIERS/CATALOGS	4,000.00	-	3,729.44	270.56	93.24%
EQUIPMENT, HARD., & SOFTWARE	1,320.00	-	-	1,320.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	4,536.20	(2,536.20)	226.81%
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	1,240.00	6,980.00	460.00	93.82%
STAFF TRAINING	-	22.15	22.15	(22.15)	
STAFF MEMBERSHIP DUES	370.00	-	540.00	(170.00)	145.95%
MISCELLANEOUS	200.00	-	70.00	130.00	35.00%
TOTAL DIRECT EXPENSES:	162,393.33	9,420.42	160,317.76	2,075.57	98.72%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.62 FTE)	311,882.00	21,810.01	292,726.32	19,155.68	93.86%
BENEFITS EXPENSE	108,019.00	8,314.94	101,025.66	6,993.34	93.53%
OTHER INDIRECT EXPENSE	110,594.00	11,152.98	109,030.81	1,563.19	98.59%
TOTAL INDIRECT EXPENSES:	530,495.00	41,277.93	502,782.79	27,712.21	94.78%
TOTAL ALL EXPENSES:	692,888.33	50,698.35	663,100.55	29,787.78	95.70%
NET INCOME (LOSS):	131,861.67	13,428.31	385,717.67		

Washington State Bar Association

Statement of Activities
For the Period from August 1, 2017 to August 31, 2017
91.67% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	1,670,000.00	75,956.25	841,185.50	828,814.50	50.37%
SEMINAR-EXHIB/SPNSR/ETC	25,000.00	2,500.00	40,215.00	(15,215.00)	160.86%
SHIPPING & HANDLING	4,600.00	227.00	3,896.28	703.72	84.70%
DESKBOOK SALES	80,000.00	2,107.91	71,591.17	8,408.83	89.49%
COURSEBOOK SALES	20,000.00	825.00	15,187.78	4,812.22	75.94%
SECTION PUBLICATION SALES	15,200.00	508.50	10,913.33	4,286.67	71.80%
ROYALTIES	-	-	180.00	(180.00)	
CASEMAKER ROYALTIES	60,000.00	-	41,747.41	18,252.59	69.58%
MP3 AND VIDEO SALES	700,000.00	42,616.74	961,800.53	(261,800.53)	137.40%
TOTAL REVENUE:	2,574,800.00	124,741.40	1,986,717.00	588,083.00	77.16%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	80.88	1,414.66	2,585.34	35.37%
POSTAGE - FLIERS/CATALOGS	40,000.00	442.69	18,192.71	21,807.29	45.48%
POSTAGE - MISC /DELIVERY	2,500.00	35.00	629.00	1,871.00	25.16%
DEPRECIATION	19,000.00	560.53	18,974.90	25.10	99.87%
ONLINE EXPENSES	82,000.00	6,589.97	84,928.24	(2,928.24)	103.57%
ACCREDITATION FEES	6,500.00	382.00	5,805.00	695.00	89.31%
SEMINAR BROCHURES	65,000.00	19.08	27,005.07	37,994.93	41.55%
FACILITIES	285,988.00	22,535.03	192,152.04	93,835.96	67.19%
SPEAKERS & PROGRAM DEVELOP	55,000.00	3,666.41	51,101.14	3,898.86	92.91%
SPLITS TO SECTIONS	167,456.00	18,398.46	89,581.21	77,874.79	53.50%
SPLITS TO CO-SPONSORS	7,500.00	-	-	7,500.00	0.00%
HONORARIA	20,250.00	-	-	20,250.00	0.00%
CLE SEMINAR COMMITTEE	1,500.00	11.05	200.10	1,299.90	13.34%
BAD DEBT EXPENSE	600.00	-	-	600.00	0.00%
STAFF TRAVEL/PARKING	6,500.00	52.76	4,436.67	2,063.33	68.26%
STAFF MEMBERSHIP DUES	1,550.00	-	1,652.00	(102.00)	106.58%
SUPPLIES	2,000.00	198.38	1,489.05	510.95	74.45%
COST OF SALES - DESKBOOKS	56,000.00	1,581.89	50,120.03	5,879.97	89.50%
COST OF SALES - COURSEBOOKS	1,400.00	101.87	1,316.06	83.94	94.00%
COST OF SALES SECTION PUBLICATION	2,800.00	78.04	1,857.43	942.57	66.34%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
DESKBOOK ROYALTIES	1,000.00	-	570.72	429.28	57.07%
RECORDED SEMINAR ROYALTIES	-	55.00	247.50	(247.50)	
ONLINE EXPENSES	-	180.00	180.00	(180.00)	
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVERY-DESKBOOKS	4,000.00	90.99	3,861.32	138.68	96.53%
POSTAGE & DELIVERY-COURSEBOOKS	3,000.00	38.65	469.22	2,530.78	15.64%
SPLITS WITH SECTIONS	4,800.00	-	2,007.87	2,792.13	41.83%
FLIERS/CATALOGS	7,500.00	-	3,645.60	3,854.40	48.61%
POSTAGE - FLIERS/CATALOGS	5,000.00	-	2,794.57	2,205.43	55.89%
COMPLIMENTARY BOOK PROGRAM	4,000.00	-	1,404.15	2,595.85	35.10%
RECORDS STORAGE - OFF SITE	7,440.00	620.00	6,820.00	620.00	91.67%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	866,234.00	55,718.68	572,856.26	293,377.74	66.13%
INDIRECT EXPENSES:					
SALARY EXPENSE (12.77 FTE)	837,663.00	67,437.95	808,554.02	29,108.98	96.52%
BENEFITS EXPENSE	295,948.00	21,932.33	292,408.81	3,539.19	98.80%
OTHER INDIRECT EXPENSE	302,742.00	26,151.07	283,884.26	18,857.74	93.77%
TOTAL INDIRECT EXPENSES:	1,436,353.00	115,521.35	1,384,847.09	51,505.91	96.41%
TOTAL ALL EXPENSES:	2,302,587.00	171,240.03	1,957,703.35	344,883.65	85.02%
NET INCOME (LOSS):	272,213.00	(46,498.63)	29,013.65		

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

DESKBOOKS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	4,000.00	2,000.00	(2,000.00)	-50%
DESKBOOK SALES	100,000.00	80,000.00	(20,000.00)	-20%
SECTION PUBLICATION SALES	6,000.00	3,000.00	(3,000.00)	-50%
CASEMAKER ROYALTIES	60,000.00	75,000.00	15,000.00	25%
TOTAL REVENUE:	170,000.00	160,000.00	(10,000.00)	-6%
DIRECT EXPENSES:				
COST OF SALES - DESKBOOKS	70,000.00	50,000.00	(20,000.00)	-29%
COST OF SALES - SECTION PUBLICATION	1,000.00	750.00	(250.00)	-25%
SPLITS TO SECTIONS	2,000.00	1,000.00	(1,000.00)	-50%
DESKBOOK ROYALTIES	1,000.00	1,000.00	-	0%
SHIPPING SUPPLIES	250.00	150.00	(100.00)	-40%
POSTAGE & DELIVERY-DESKBOOKS	3,000.00	2,000.00	(1,000.00)	-33%
FLIERS/CATALOGS	5,000.00	3,000.00	(2,000.00)	-40%
POSTAGE - FLIERS/CATALOGS	2,500.00	1,500.00	(1,000.00)	-40%
COMPLIMENTARY BOOK PROGRAM	2,000.00	2,000.00	-	0%
BAD DEBT EXPENSE	100.00	100.00	-	0%
RECORDS STORAGE - OFF SITE	7,440.00	7,440.00	-	0%
STAFF MEMBERSHIP DUES	205.00	250.00	45.00	22%
MISCELLANEOUS	200.00	200.00	-	0%
TOTAL DIRECT EXPENSES:	94,695.00	69,390.00	(25,305.00)	-27%
INDIRECT EXPENSES:				
FTE	2.15	2.05	(0.10)	-5%
SALARY EXPENSE	140,713.00	117,663.00	(23,050.00)	-16%
BENEFIT EXPENSE	53,392.00	48,833.00	(4,559.00)	-9%
OVERHEAD	52,208.00	50,383.00	(1,825.00)	-3%
TOTAL INDIRECT EXPENSES:	246,313.00	216,879.00	(29,434.00)	-12%
TOTAL ALL EXPENSES:	341,008.00	286,269.00	(54,739.00)	-16%
NET INCOME (LOSS):	(171,008.00)	(126,269.00)	44,739.00	

WSBA publishes a library of 18 Deskbook titles in substantive areas of Washington law such as family law and real property, as well as civil procedure and ethics; these Deskbooks are intensively researched and edited authoritative treatises that have been cited in 250 Washington state and federal appellate court opinions. Included in the CLE cost center in FY17, this cost center includes revenues and expenses related to the development, publication, and sale of WSBA Deskbooks. Deskbook authors and editors are volunteers who are not paid for their contributions. Revenues are received from sales of Deskbooks (in print and online). Expenses include contract services for cite-checking, copyediting, creation of tables of authorities, indexing, and desktop publishing, as well as the costs of printing and binding.

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APEX (Acknowledging Professional Excellence) DINNER

DESCRIPTION

The WSBA annually recognizes luminaries of the Washington legal profession to honor those whose work embodies the WSBA mission; to show members what WSBA's mission looks like in day-to-day legal practice; to inspire members to proudly uphold the rule of law and integrity of the profession; and to continue to grow public confidence in a just and equitable legal profession. WSBA is the unique organization that can highlight the "best of the best" in the legal community from a statewide perspective.

OBJECTIVES

1. Recognize excellence in action with winners representing a wide range of geography, practice areas, and legal communities
2. Raise funds for the Washington State Bar Foundation
3. Induct new governors and honor those whose terms are expiring

Financial: Our immediate goal is to exceed the direct costs of the APEX program with Foundation donations and sponsorships

PROGRAM/MEMBER IMPACT/REACH

- 2018 attendance goal: at least 375

	2015	2016	2017
Paid Attendees	263	240	199
Staff Comps	23	20	20
Comps	106	94	87
Total Attendees	392	354	306

- 2018-19 outreach goal: Feature videos widely in outreach to local county bars, listening tours, TakeNote, social media, and media
- Groups affiliated with awards: Washington State Bar Foundation, Access to Justice Board, and Washington Young Lawyer Committee
- Foundation revenue supports wide-ranging public service and diversity programs across the state

FINANCES (DETAILED HISTORY ATTACHED)

	FY15 ACTUAL	FY16 ACTUAL	FY17 ACTUAL	FY18 BUDGET	FY19 BUDGET
Revenue¹	\$55,829	\$31,274	\$51,914	\$99,000	\$99,000
Direct Expense	\$72,722	\$56,707	\$66,986	\$63,000	\$63,000
Indirect Expense	\$35,595	\$35,936	\$34,423	\$39,513	\$40,545
Net	(\$52,488)	(\$61,369)	(\$49,495)	(\$3,513)	(\$53,545)

¹Revenue for FY15-FY17 includes actual event registrations and WSB Foundation donations and sponsorships; FY18 and FY19 Foundation donations and sponsorships are estimates.

APEX (Acknowledging Professional Excellence) DINNER

POTENTIAL OPTIONS/CONSIDERATIONS

- 1. Draft FY19 Budget:** Carry over budget from FY18, accounting for this year's new attendance goals; however, we are exploring different formats and revenue models (below).

Financial targets for 2018/19:

- Total attendance—375 (up from 306 in 2017); ticket price—\$125 (up from \$100 in 2017); total paying guests—263 (70 percent)
- Goal for donations to Washington State Bar Foundation: \$55,000 (\$75,000 stretch goal)
- Ticket sales: \$32,875
- APEX costs: Dinner—\$37,500; AV equipment—\$10,000; awards—\$150 each; BOG gift—\$100 each; video production—\$15,000
- **Overall return to WSBA programs, total: \$23,375 to \$43,375**

- 2. Other Options and Considerations**

- Restructure the format
- Move to a different venue for dinner (non-downtown, more “rocking”)
- Reduce the number of “comp” tickets by having the Foundation cover the cost of sponsorship dinners

- 3. Discontinue APEX Dinner**

- Opportunity to partner with voluntary bars to support their luminaries
- Loss of net direct revenue for the organization
- Loss of opportunity for outreach, goodwill, and community building
- Loss of history and tradition

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2015 to September 30, 2015

100% OF YEAR COMPLETE

	FISCAL 2015 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATIONS					
REVENUE:					
AWARDS LUNCH/DINNER	38,000.00	33,427.16	43,692.16	(5,692.16)	114.98%
50 YEAR MEMBER TRIBUTE LUNCH	500.00	-	225.00	275.00	45.00%
WSBA LOGO MERCHANDISE SALES	-	-	420.00	(420.00)	
TOTAL REVENUE:	38,500.00	33,427.16	44,337.16	(5,837.16)	115.16%
DIRECT EXPENSES:					
MUSIC LIBRARY	1,500.00	-	-	1,500.00	0.00%
IMAGE LIBRARY	3,000.00	-	4,049.00	(1,049.00)	134.97%
BAR OUTREACH	1,200.00	-	118.60	1,081.40	9.88%
ABA DELEGATES	5,600.00	800.00	3,120.46	2,479.54	55.72%
ANNUAL CHAIR MTGS	1,000.00	143.36	833.43	166.57	83.34%
AWARDS DINNER	55,000.00	58,428.78	72,721.66	(17,721.66)	132.22%
50 YEAR MEMBER TRIBUTE LUNCH	5,000.00	-	6,372.16	(1,372.16)	127.44%
JUD RECOMMEND COMMITTEE	5,000.00	-	3,535.37	1,464.63	70.71%
PROFESSIONALISM	1,000.00	-	-	1,000.00	0.00%
WSBA 125TH ANNIVERSARY	15,000.00	-	7,683.03	7,316.97	51.22%
COMMUNICATIONS OUTREACH	15,000.00	3,077.50	15,053.53	(53.53)	100.36%
TRANSLATION SERVICES	1,800.00	181.70	2,968.80	(1,168.80)	164.93%
DEPRECIATION	2,710.00	225.00	2,711.00	(1.00)	100.04%
CREDIT CARD MERCHANT FEES	350.00	75.40	104.02	245.98	29.72%
STAFF TRAVEL/PARKING	5,000.00	976.12	6,196.84	(1,196.84)	123.94%
STAFF MEMBERSHIP DUES	1,755.00	230.00	2,276.50	(521.50)	129.72%
SUBSCRIPTIONS	6,500.00	-	7,080.64	(580.64)	108.93%
DIGITAL/ONLINE DEVELOPMENT	3,500.00	466.57	3,965.37	(465.37)	113.30%
CONFERENCE CALLS	250.00	-	62.14	187.86	24.86%
TOTAL DIRECT EXPENSES:	130,165.00	64,604.43	138,852.55	(8,687.55)	106.67%
INDIRECT EXPENSES:					
SALARY EXPENSE (13.25 FTE)	784,256.00	69,760.90	800,794.75	(16,538.75)	102.11%
BENEFITS EXPENSE	275,975.00	23,569.15	264,083.05	11,891.95	95.69%
OTHER INDIRECT EXPENSE	278,991.00	32,189.25	314,658.13	(35,667.13)	112.78%
TOTAL INDIRECT EXPENSES:	1,339,222.00	125,519.30	1,379,535.93	(40,313.93)	103.01%
TOTAL ALL EXPENSES:	1,469,387.00	190,123.73	1,518,388.48	(49,001.48)	103.33%
NET INCOME (LOSS):	(1,430,887.00)	(156,696.57)	(1,474,051.32)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2016 to September 30, 2016
100% OF YEAR COMPLETE

	FISCAL 2016 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATIONS					
REVENUE:					
AWARDS LUNCH/DINNER	45,000.00	24,058.93	23,218.93	21,781.07	51.60%
50 YEAR MEMBER TRIBUTE LUNCH	250.00	-	810.00	(560.00)	324.00%
WSBA LOGO MERCHANDISE SALES	-	1,120.70	1,260.70	(1,260.70)	
TOTAL REVENUE:	45,250.00	25,179.63	25,289.63	19,960.37	55.89%
DIRECT EXPENSES:					
IMAGE LIBRARY	4,000.00	-	4,099.00	(99.00)	102.48%
BAR OUTREACH	1,000.00	-	1,110.54	(110.54)	111.05%
ABA DELEGATES	5,600.00	1,789.53	3,764.91	1,835.09	67.23%
ANNUAL CHAIR MTGS	600.00	-	169.50	430.50	28.25%
AWARDS DINNER	55,000.00	51,089.57	56,707.07	(1,707.07)	103.10%
50 YEAR MEMBER TRIBUTE LUNCH	5,800.00	-	7,502.85	(1,702.85)	129.36%
JUD RECOMMEND COMMITTEE	5,000.00	-	4,782.95	217.05	95.66%
PROFESSIONALISM	1,000.00	-	636.88	363.12	63.69%
ONLINE EXPENSES	-	110.82	414.02	(414.02)	
COMMUNICATIONS OUTREACH	17,000.00	985.01	5,617.48	11,382.52	33.04%
TRANSLATION SERVICES	2,500.00	225.15	3,558.95	(1,058.95)	142.36%
DEPRECIATION	2,712.00	225.00	2,707.00	5.00	99.82%
EQUIPMENT, HARDWARE & SOFTWARE	1,520.00	223.85	1,055.33	464.67	69.43%
STAFF TRAVEL/PARKING	4,500.00	1,381.85	8,405.25	(3,905.25)	186.78%
STAFF MEMBERSHIP DUES	1,950.00	-	1,566.00	384.00	80.31%
SUBSCRIPTIONS	7,250.00	168.00	6,846.80	403.20	94.44%
DIGITAL/ONLINE DEVELOPMENT	3,750.00	291.57	3,213.84	536.16	85.70%
CONFERENCE CALLS	200.00	0.68	81.92	118.08	40.96%
TOTAL DIRECT EXPENSES:	119,382.00	56,491.03	112,240.29	7,141.71	94.02%
INDIRECT EXPENSES:					
SALARY EXPENSE (14.15 FTE)	837,316.00	75,935.40	858,748.90	(21,432.90)	102.56%
BENEFITS EXPENSE	317,600.00	23,923.47	294,723.64	22,876.36	92.80%
OTHER INDIRECT EXPENSE	338,723.00	34,150.62	333,864.77	4,858.23	98.57%
TOTAL INDIRECT EXPENSES:	1,493,639.00	134,009.49	1,487,337.31	6,301.69	99.58%
TOTAL ALL EXPENSES:	1,613,021.00	190,500.52	1,599,577.60	13,443.40	99.17%
NET INCOME (LOSS):	(1,567,771.00)	(165,320.89)	(1,574,287.97)		

Washington State Bar Association

Statement of Activities

For the Period from September 1, 2017 to September 30, 2017

100.00% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATIONS					
REVENUE:					
AWARDS LUNCH/DINNER	44,000.00	16,784.80	17,438.96	26,561.04	39.63%
50 YEAR MEMBER TRIBUTE LUNCH	250.00	-	1,170.00	(920.00)	468.00%
WSBA LOGO MERCHANDISE SALES	-	140.00	700.00	(700.00)	
TOTAL REVENUE:	44,250.00	16,924.80	19,308.96	24,941.04	43.64%
DIRECT EXPENSES:					
IMAGE LIBRARY	4,100.00	-	3,999.00	101.00	97.54%
BAR OUTREACH	2,500.00	30.00	1,380.94	1,119.06	55.24%
ABA DELEGATES	5,600.00	1,694.18	3,244.18	2,355.82	57.93%
ANNUAL CHAIR MTGS	600.00	-	877.32	(277.32)	146.22%
AWARDS DINNER	63,000.00	48,976.54	66,986.33	(3,986.33)	106.33%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	9,374.15	(1,374.15)	117.18%
JUD RECOMMEND COMMITTEE	4,500.00	-	1,603.93	2,896.07	35.64%
PROFESSIONALISM	750.00	-	1,206.20	(456.20)	160.83%
COMMUNICATIONS OUTREACH	15,000.00	-	1,837.52	13,162.48	12.25%
TRANSLATION SERVICES	3,500.00	177.75	3,400.95	99.05	97.17%
DEPRECIATION	2,300.00	-	2,260.38	39.62	98.28%
EQUIPMENT, HARDWARE & SOFTWARE	-	-	79.47	(79.47)	
STAFF TRAVEL/PARKING	4,000.00	-	1,053.00	2,947.00	26.33%
STAFF MEMBERSHIP DUES	1,960.00	-	585.00	1,375.00	29.85%
SUBSCRIPTIONS	10,050.00	15.96	6,287.55	3,762.45	62.56%
DIGITAL/ONLINE DEVELOPMENT	4,000.00	256.60	4,122.19	(122.19)	103.05%
CONFERENCE CALLS	200.00	-	33.00	167.00	16.50%
TOTAL DIRECT EXPENSES:	130,060.00	51,151.03	108,331.11	21,728.89	83.29%
INDIRECT EXPENSES:					
SALARY EXPENSE (14.64 FTE)	896,797.00	76,204.86	852,033.87	44,763.13	95.01%
BENEFITS EXPENSE	326,726.00	21,732.19	300,021.91	26,704.09	91.83%
OTHER INDIRECT EXPENSE	347,075.00	29,619.60	322,025.40	25,049.60	92.78%
TOTAL INDIRECT EXPENSES:	1,570,598.00	127,556.65	1,474,081.18	96,516.82	93.85%
TOTAL ALL EXPENSES:	1,700,658.00	178,707.68	1,582,412.29	118,245.71	93.05%
NET INCOME (LOSS):	(1,656,408.00)	(161,782.88)	(1,563,103.33)		

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

COMMUNICATION STRATEGIES	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
AWARDS DINNER	44,000.00	50,000.00	6,000.00	14%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	750.00	-	0%
TOTAL REVENUE:	44,750.00	50,750.00	6,000.00	13%
DIRECT EXPENSES:				
AWARDS DINNER	63,000.00	63,000.00	-	0%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	8,000.00	-	0%
COMMUNICATIONS OUTREACH	15,000.00	15,000.00	-	0%
SPEAKERS & PROGRAM DEVELOP	1,600.00	1,600.00	-	0%
STAFF TRAVEL/PARKING	2,640.00	4,700.00	2,060.00	78%
STAFF MEMBERSHIP DUES	1,700.00	1,000.00	(700.00)	-41%
SUBSCRIPTIONS	10,050.00	10,050.00	-	0%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	1,450.00	-	0%
TOTAL DIRECT EXPENSES:	103,440.00	104,800.00	1,360.00	1%
INDIRECT EXPENSES:				
FTE	4.68	4.62	(0.06)	-1%
SALARY EXPENSE	305,254.00	312,393.00	7,139.00	2%
BENEFIT EXPENSE	115,063.00	123,827.00	8,764.00	8%
OVERHEAD	113,644.00	113,547.00	(97.00)	0%
TOTAL INDIRECT EXPENSES:	533,961.00	549,767.00	15,806.00	3%
TOTAL ALL EXPENSES:	637,401.00	654,567.00	17,166.00	3%
NET INCOME (LOSS):	(592,651.00)	(603,817.00)	(11,166.00)	

Communication Strategies is responsible for member, public, and internal communications; branding and reputation management; media and public relations; marketing; special events; and strategic communication tools aimed at improving member and public engagement and outreach (including the WSBA website, website content, and WSBA's blog (NWSidebar), social media channels, and broadcast emails). It works with all WSBA departments to support the communications and marketing of WSBA programs, services, and matters of interest to members and the public.

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WASHINGTON STATE BAR FOUNDATION

DESCRIPTION

The Washington State Bar Foundation is the fundraising arm of the WSBA. This cost center reflects the staffing, operations, and administrative support WSBA provides to the Foundation in exchange for its fundraising services. Since 2014 the Foundation has contributed \$1,007,436 in revenue to the WSBA to support public service and diversity efforts within the Advancement Department cost centers.

OBJECTIVES

The mission of the Washington State Bar Foundation is to provide financial support for programs of the Washington State Bar Association that promote diversity within the legal profession and enhance the public's access to, and understanding of, the justice system. Specifically, the Foundation is a source of voluntary and tax-deductible, non-license fee revenue for WSBA's diversity and public service programming. The Foundation also plays a role in raising awareness about WSBA's work in these areas through the outreach work of staff and Trustees.

PROGRAM/MEMBER IMPACT/REACH

Every member is given an opportunity to support WSBA's diversity and public service work annually with a voluntary gift to the Washington State Bar Foundation through the licensing renewal process. Over 9,800 individuals have opted to give to the Foundation, including 1,158 new donors so far in FY18 (this represents a 98% increase over the number of new donors in FY17) and 764 have opted to give every year for the past six years at licensing. The diversity work supported by the Foundation directly engaged over 450 members in its events and activities in FY17 and benefits the public, the profession, and the justice system through a legal profession that better reflects the communities we serve and in which anyone can thrive and rise, regardless of their identities. WSBA's public service programming engaged just shy of 900 volunteers in FY17, while enhancing a culture of service in our profession.

FINANCES - FOUNDATION COST CENTER IN WSBA BUDGET (DETAILED HISTORY ATTACHED)

	FY15 ACTUAL	FY16 ACTUAL	FY17 ACTUAL	FY18 BUDGET	FY19 BUDGET
Direct Expense	\$15,639	\$12,591	\$7,002	\$17,600	\$14,200
Indirect Expense	\$145,198	\$132,652	\$147,241	\$151,053	\$150,738
Net	(\$160,837)	(\$145,243)	(\$154,243)	(\$168,653)	(\$164,938)
Grants to WSBA¹	\$162,800	\$175,000	\$200,000	\$220,000	
Net With Grants	\$1,963	\$29,757	\$45,757	\$51,347	

¹ Grants awards are based on the prior year's activities. Therefore, the WSBA receives grant funds from the Foundation in the fiscal year following the expenditures. For example, the FY15 Grants to WSBA of \$162,800 was actually paid to WSBA in FY16, but was based on FY15 actual results of (\$160,837).

WASHINGTON STATE BAR FOUNDATION

POTENTIAL OPTIONS/CONSIDERATIONS

1. Draft FY19 Budget

In FY19, the Foundation is budgeted to contribute \$220,000 in non-license fee revenue to support WSBA's diversity and public service programming. This represents a 10% increase over FY18, a 26% increase over FY17, and a 35% increase over FY16.

2. Discontinue Foundation

If the Foundation were to be discontinued, WSBA would lose actual and future potential non-license fee revenue. To continue the work would require increased use of license fee revenue. WSBA would lose the capacity to accept tax-exempt gifts and donors would lose the opportunity to voice their support for this work with those gifts. The Foundation is currently on a positive trajectory having grown revenue and donors consistently over the last two years after some years of decline.

3. Other Options

If the Foundation's staff support were to be reduced, it would likely halt and potentially reverse the progress that has been made in growing revenue and donors over the last two years. The extent and the rate at which this would occur is unclear.

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2015 to September 30, 2015
100% OF YEAR COMPLETE

	FISCAL 2015 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
BOARD OF TRUSTEES	5,500.00	153.07	2,649.90	2,850.10	48.18%
GRAPHIC DESIGN	1,500.00	-	350.00	1,150.00	23.33%
CREDIT CARD MERCHANT FEES	3,000.00	183.35	2,281.03	718.97	76.03%
CONSULTING SERVICES	3,000.00	-	2,550.00	450.00	85.00%
EQUIPMENT/HARDWARE/SOFTWARE	2,500.00	-	-	2,500.00	0.00%
POSTAGE	500.00	-	524.27	(24.27)	104.85%
PRINTING & COPYING	1,000.00	-	913.21	86.79	91.32%
STAFF TRAVEL/PARKING	1,700.00	(48.00)	1,138.10	561.90	66.95%
STAFF MEMBERSHIP DUES	475.00	-	300.00	175.00	63.16%
SUPPLIES	300.00	409.90	472.35	(172.35)	157.45%
SPECIAL EVENTS	6,000.00	2,104.37	4,460.30	1,539.70	74.34%
TOTAL DIRECT EXPENSES:	25,475.00	2,802.69	15,639.16	9,835.84	61.39%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.35 FTE)	118,996.00	7,229.78	82,768.55	36,227.45	69.56%
BENEFITS EXPENSE	36,130.00	3,125.60	30,570.15	5,559.85	84.61%
OTHER INDIRECT EXPENSE	28,426.00	3,262.80	31,859.34	(3,433.34)	112.08%
TOTAL INDIRECT EXPENSES:	183,552.00	13,618.18	145,198.04	38,353.96	79.10%
TOTAL ALL EXPENSES:	209,027.00	16,420.87	160,837.20	48,189.80	76.95%
NET INCOME (LOSS):	(209,027.00)	(16,420.87)	(160,837.20)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2016 to September 30, 2016
100% OF YEAR COMPLETE

	FISCAL 2016 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
BOARD OF TRUSTEES	5,000.00	241.24	1,165.70	3,834.30	23.31%
GRAPHIC DESIGN	1,500.00	600.00	600.00	900.00	40.00%
CONSULTING SERVICES	3,000.00	-	2,836.00	164.00	94.53%
POSTAGE	1,000.00	-	-	1,000.00	0.00%
PRINTING & COPYING	1,500.00	304.13	1,375.50	124.50	91.70%
STAFF TRAVEL/PARKING	1,700.00	44.28	1,352.38	347.62	79.55%
STAFF MEMBERSHIP DUES	600.00	-	50.00	550.00	8.33%
SUPPLIES	100.00	99.86	189.62	(89.62)	189.62%
SPECIAL EVENTS	6,000.00	3,422.39	5,022.46	977.54	83.71%
TOTAL DIRECT EXPENSES:	20,400.00	4,711.90	12,591.66	7,808.34	61.72%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	88,378.00	6,536.80	76,215.17	12,162.83	86.24%
BENEFITS EXPENSE	31,258.00	2,270.25	26,785.19	4,472.81	85.69%
OTHER INDIRECT EXPENSE	29,923.00	3,033.28	29,651.38	271.62	99.09%
TOTAL INDIRECT EXPENSES:	149,559.00	11,840.33	132,651.74	16,907.26	88.70%
TOTAL ALL EXPENSES:	169,959.00	16,552.23	145,243.40	24,715.60	85.46%
NET INCOME (LOSS):	(169,959.00)	(16,552.23)	(145,243.40)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2017 to September 30, 2017
100.00% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:					
BOARD OF TRUSTEES	5,000.00	189.51	2,134.46	2,865.54	42.69%
GRAPHIC DESIGN	1,500.00	-	-	1,500.00	0.00%
CONSULTING SERVICES	3,000.00	-	2,600.00	400.00	86.67%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	1,500.00	-	717.26	782.74	47.82%
STAFF TRAVEL/PARKING	1,700.00	216.73	286.84	1,413.16	16.87%
STAFF MEMBERSHIP DUES	600.00	-	363.00	237.00	60.50%
SUPPLIES	500.00	56.27	172.85	327.15	34.57%
SPECIAL EVENTS	5,000.00	-	727.24	4,272.76	14.54%
TOTAL DIRECT EXPENSES:	<u>19,300.00</u>	<u>462.51</u>	<u>7,001.65</u>	<u>12,298.35</u>	<u>36.28%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.25 FTE)	88,294.00	6,651.80	89,443.67	(1,149.67)	101.30%
BENEFITS EXPENSE	30,721.00	2,273.70	30,284.87	436.13	98.58%
OTHER INDIRECT EXPENSE	29,634.00	2,540.30	27,512.54	2,121.46	92.84%
TOTAL INDIRECT EXPENSES:	<u>148,649.00</u>	<u>11,465.80</u>	<u>147,241.08</u>	<u>1,407.92</u>	<u>99.05%</u>
TOTAL ALL EXPENSES:	<u>167,949.00</u>	<u>11,928.31</u>	<u>154,242.73</u>	<u>13,706.27</u>	<u>91.84%</u>
NET INCOME (LOSS):	<u>(167,949.00)</u>	<u>(11,928.31)</u>	<u>(154,242.73)</u>		

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

FOUNDATION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
SPECIAL EVENTS	5,000.00	5,000.00	-	0%
BOARD OF TRUSTEES	5,000.00	3,000.00	(2,000.00)	-40%
GRAPHIC DESIGN	500.00	-	(500.00)	-100%
CONSULTING SERVICES	3,000.00	3,000.00	-	0%
POSTAGE	-	500.00	500.00	
PRINTING & COPYING	1,500.00	800.00	(700.00)	-47%
STAFF TRAVEL/PARKING	1,500.00	1,400.00	(100.00)	-7%
STAFF MEMBERSHIP DUES	600.00	-	(600.00)	-100%
SUPPLIES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	<u>17,600.00</u>	<u>14,200.00</u>	<u>(3,400.00)</u>	<u>-19%</u>
INDIRECT EXPENSES:				
FTE	1.20	1.15	(0.05)	-4%
SALARY EXPENSE	89,200.00	89,538.00	338.00	0%
BENEFIT EXPENSE	32,713.00	32,594.00	(119.00)	0%
OVERHEAD	29,140.00	28,264.00	(876.00)	-3%
TOTAL INDIRECT EXPENSES:	<u>151,053.00</u>	<u>150,396.00</u>	<u>(657.00)</u>	<u>0%</u>
TOTAL ALL EXPENSES:	<u>168,653.00</u>	<u>164,596.00</u>	<u>(4,057.00)</u>	<u>-2%</u>
NET INCOME (LOSS):	<u>(168,653.00)</u>	<u>(164,596.00)</u>	<u>4,057.00</u>	

The Washington State Bar Foundation is the fundraising arm of the WSBA. This cost center reflects the staffing, operations, and administrative support WSBA provides to the Foundation in exchange for its fundraising services. The Foundation will contribute \$220,000 in revenue to WSBA's FY19 budget to support public service and diversity efforts within the Advancement Department cost centers. We continue to look for opportunities to reduce indirect and direct costs in this cost center to better reflect the actual cost of delivering this service.



To: WSBA Budget & Audit Committee

From: Terra Nevitt, Chief Development Officer

Re: Financial Reports for June 18, 2018 Meeting

Date: June 8, 2018

This memo follows on our discussion of the Washington State Bar Foundation's health and viability at your June 2017, September 2017, October 2017, January 2018, February 2018, and April 2018 meetings. Attached, please find the Foundation's most recent financial report covering the period of October 1, 2017 through April 30, 2018. Also attached is the current fundraising report.

Looking at the *WSBF Balance Sheet*, you can see that as of April 30, 2018, the Foundation had a net worth of \$315,693. This is an increase of \$32,263 over our position as of February 29, which we reported on at the April meeting. The *WSBF Statement of Activities* details these and other income and expenses year-to-date. WSBA's support of the Foundation is captured in the report as "In Kind Donations" and "In Kind Expenses". Those total \$91,877 as of the end of April. At this point in the year, in-kind contributions account for 28% of total support to the WSBF. As we anticipated, that percentage is higher than the 23% reported in April and may rise further yet, though we project that it will continue to account for a smaller portion of support than in years prior. For FY17, in-kind income made up 42% of the Foundation's overall income. Compared to prior years at this point in time, our income through contributions is up 54% over FY17 and 48% over FY16.

The *Fundraising Progress Report* is intended to provide a more up-to-date but unofficial picture of the Foundation's income. As of May 31, 2018, the Foundation has raised \$245,619, which exceeds the total funds raised for all of FY17 by more than \$43,000. The majority of funds raised are through the licensing campaign, which has exceeded FY17's total by 36% and FY16's total by 50%.



Advancing WSBA's Vision of a Just Washington

To: Paula Littlewood and Terra Nevitt

From: Tiffany Lynch, Associate Director for Finance

Re: Foundation Financial Statements as of April 30, 2018

Date: June 8, 2018

Attached are the financial statements for the Washington State Bar Foundation as of April 30, 2018. Below is a summary of the fund balances¹ as of April 30, 2018.

WSBF Fund Balances¹
As of April 30, 2018

Fund Name	Cash	Pledges/Grants Receivable	Committed Funds	Available Funds
ATG/AGO	0	0	0	0
Call to Duty	2,000	0	0	2,000
Diversity	9,925	0	0	9,925
ELUL Midyear Scholarship Fund	3,280	0	(3,280)	0
McMahon	8,352	0	0	8,352
Moderate Means	0	0	0	0
Peter Greenfield Internship	3,903	0	(2,500)	1,403
Presidents' and Governors' Diversity Scholarship	28,861	0	0	28,861
WLI General Support	0	0	0	0
WSBA Justice & Diversity Opportunities	3,328	0	0	3,328
Unrestricted	<u>241,642</u>	<u>0</u>	<u>0</u>	<u>241,642</u>
Total Fund Balances	<u>301,291</u>	<u>\$0</u>	<u>(5,780)</u>	<u>295,511</u>

¹ Excludes fixed assets (\$14,400 in artwork).

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06/08/18

Cash Basis

WSBA Foundation
Statement of Activities (Profit & Loss)
 October 2017 through April 2018

	Oct '17 - Apr 18
Ordinary Income/Expense	
Income	
Contributions & Grants Income	
Corporate	23,669
Foundations & Nonprofits	600
Individuals/Private Donors	215,536
Total Contributions & Grants Income	239,805
In Kind Donations	91,877
Miscellaneous Income	1,814
Total Income	333,497
Expense	
In Kind Expenses	
WSBA Staff Support	87,815
WSBA Expenses	4,062
Total In Kind Expenses	91,877
Bank Service Charges	12
Credit Card Fees	917
Insurance	929
Licenses and Permits	10
Office Supplies	54
Program Expense	
WSBA Justice & Div. Opportunity	1,672
WSBA Funding	200,000
Program Expense - Other	1,187
Total Program Expense	202,859
Total Expense	296,658
Net Ordinary Income	36,838
Other Income/Expense	
Other Income	
Interest Income	469
Total Other Income	469
Other Expense	
Other Expenses	693
Total Other Expense	693
Net Other Income	-224
Net Income	36,615

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Cash Basis

WSBA Foundation
Balance Sheet
As of April 30, 2018

	Apr 30, 18
ASSETS	
Current Assets	
Checking/Savings	
Wells Fargo Checking	250,019
Wells Fargo Heritage Money Mkt	51,274
Total Checking/Savings	301,293
Total Current Assets	301,293
Fixed Assets	
Artwork	14,400
Total Fixed Assets	14,400
TOTAL ASSETS	315,693
LIABILITIES & EQUITY	
Equity	
Increase/Decrease Fund Balance	279,078
Net Income	36,615
Total Equity	315,693
TOTAL LIABILITIES & EQUITY	315,693

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06/08/18
Cash Basis

WSBA Foundation
Profit & Loss Prev Year Comparison
October 2017 through April 2018

	Oct '17 - Apr 18	Oct '16 - Apr 17	\$ Change	% Change
Ordinary Income/Expense				
Income				
Contributions & Grants Income				
Corporate	23,669.00	7,685.00	15,984.00	208.0%
Foundations & Nonprofits	600.00	650.00	-50.00	-7.7%
Individuals/Private Donors	215,536.11	147,100.25	68,435.86	46.5%
Total Contributions & Grants Income	239,805.11	155,435.25	84,369.86	54.3%
In Kind Donations	91,877.29	92,814.67	-937.38	-1.0%
Miscellaneous Income	1,814.37	2,000.00	-185.63	-9.3%
Total Income	333,496.77	250,249.92	83,246.85	33.3%
Expense				
In Kind Expenses				
WSBA Staff Support	87,815.07	86,702.91	1,112.16	1.3%
WSBA Expenses	4,062.22	5,586.76	-1,524.54	-27.3%
In Kind Expenses - Other	0.00	525.00	-525.00	-100.0%
Total In Kind Expenses	91,877.29	92,814.67	-937.38	-1.0%
Bank Service Charges	12.00	0.00	12.00	100.0%
Credit Card Fees	917.12	491.05	426.07	86.8%
Dues	0.00	180.00	-180.00	-100.0%
Insurance	929.00	0.00	929.00	100.0%
Licenses and Permits	10.00	10.00	0.00	0.0%
Office Supplies	54.39	0.00	54.39	100.0%
Program Expense				
ELUL Section Scholarship Fund	0.00	858.00	-858.00	-100.0%
WSBA Justice & Div. Opportunity	1,672.00	500.00	1,172.00	234.4%
WSBA Funding	200,000.00	175,000.00	25,000.00	14.3%
Peter Greenfield Scholarship	0.00	2,500.00	-2,500.00	-100.0%
Program Expense - Other	1,186.62	0.00	1,186.62	100.0%
Total Program Expense	202,858.62	178,858.00	24,000.62	13.4%
Total Expense	296,658.42	272,353.72	24,304.70	8.9%
Net Ordinary Income	36,838.35	-22,103.80	58,942.15	266.7%
Other Income/Expense				
Other Income				
Interest Income	469.44	217.23	252.21	116.1%
Total Other Income	469.44	217.23	252.21	116.1%
Other Expense				
Other Expenses	693.00	2,475.48	-1,782.48	-72.0%
Total Other Expense	693.00	2,475.48	-1,782.48	-72.0%
Net Other Income	-223.56	-2,258.25	2,034.69	90.1%
Net Income	36,614.79	-24,362.05	60,976.84	250.3%

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Cash Basis

WSBA Foundation
Balance Sheet Prev Year Comparison
As of April 30, 2018

	<u>Apr 30, 18</u>	<u>Apr 30, 17</u>	<u>\$ Change</u>	<u>% Change</u>
ASSETS				
Current Assets				
Checking/Savings				
Wells Fargo Checking	250,018.70	184,642.15	65,376.55	35.4%
Wells Fargo Heritage Money Mkt	51,274.24	50,631.64	642.60	1.3%
Total Checking/Savings	301,292.94	235,273.79	66,019.15	28.1%
Total Current Assets	301,292.94	235,273.79	66,019.15	28.1%
Fixed Assets				
Artwork	14,400.00	14,400.00	0.00	0.0%
Total Fixed Assets	14,400.00	14,400.00	0.00	0.0%
TOTAL ASSETS	<u>315,692.94</u>	<u>249,673.79</u>	<u>66,019.15</u>	<u>26.4%</u>
LIABILITIES & EQUITY				
Equity				
Increase/Decrease Fund Balance	279,078.15	274,035.84	5,042.31	1.8%
Net Income	36,614.79	-24,362.05	60,976.84	250.3%
Total Equity	315,692.94	249,673.79	66,019.15	26.4%
TOTAL LIABILITIES & EQUITY	<u>315,692.94</u>	<u>249,673.79</u>	<u>66,019.15</u>	<u>26.4%</u>

FY18 Fundraising Progress Report

As of May 31, 2018

FUNDRAISING ACTIVITY		DONATION SOURCE			
		Foundation Trustees & Trustee Firms (Goal \$25,000)	Board of Governors (<i>non Trustee</i>) (Goal \$5,000)	Individuals (Goal \$15,000)	Firms and Organizations (Goal \$50,000)
Annual Giving	\$12,941.56	\$11,730.00	\$161.56	\$800.00	\$250.00
Licensing (Goal \$175,000)					
License Fee Form	\$198,978.80	\$400.00	\$210.00	\$189,098.80	\$9,270.00
Donation	\$1,750.00			\$1,750.00	
Events					
2017 APEX Awards (income rec'd in FY18)	\$6,700.00			\$200.00	\$6,500.00
2018 APEX Awards	\$7,500.00	\$5,000.00			\$2,500.00
Program Event Sponsorships	\$6,900.00				\$6,900.00
Matching Gifts	\$6,940.00	\$6,050.00			\$890.00
Other					
Honor/Memorial, AmazonSmile	\$105.00			\$100.00	\$5.00
Sections	\$3,804.00			\$25.00	\$3,779.00
TOTAL	\$245,619.36	\$23,180.00	\$371.56	\$191,973.80	\$30,094.00

Totals listed under **Fundraising Activity** reflect amounts raised from each **Donation Source**

FY18 = October 1, 2017 - September 30, 2018

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SECTION AUTONOMY

DESCRIPTION

WSBA has 29 practice sections. The **Sections Administration** cost center in the General Fund reflects revenues much (but not all) of WSBA's costs to support sections, including the Sections Team; as well as some accounting, staff focused on Mini-CLEs, and supervisory time.

Section revenues and expenses are accounted for in the Board-designated Sections Fund. Each section has its own cost center; collectively, section revenues and expenses are reflected in *The Sections Operations* cost center reflects the revenue generated and expenses incurred by each section through its activities.

OBJECTIVES

Provide members with educational, networking, and leadership opportunities.

MEMBER IMPACT/REACH

There are 16,240 section memberships, held by more than 10,500 WSBA members who belong to one or more section.

FINANCES (DETAILED HISTORY ATTACHED)

Section Administration

	FY15 ACTUAL	FY16 ACTUAL	FY17 ACTUAL	FY18 BUDGET	FY19 BUDGET
Revenue	\$298,165	\$318,525	\$325,655	\$308,000	\$300,000
Direct Expense	\$18,296	\$10,959	\$7,645	\$10,100	\$9,297
Indirect Expense	\$387,441	\$390,670	\$451,126	\$464,958	\$514,081
Net	(\$107,572)	(\$83,104)	(\$133,116)	(\$167,058)	(\$223,378)

The sections pay WSBA a Per-Member Charge (PMC), which is intended to cover WSBA's costs to support the sections. Historically, the PMC has not covered the full cost of accounting, Mini-CLE, communications, and legal support provided to sections.

The PMC has been \$18.75 since FY16. In order to cover all costs for the staffing traditionally included in the PMC calculation (Sections Team and a fraction of an accounting staff person, a total of 3.08 FTE), the PMC would be \$22.41. The PMC would be \$31.34 to cover all costs reflected in the Sections Administration cost center (which includes additional staffing support for a total of 4.25 FTE). The PMC would be higher still to cover the additional CLE, Finance & Accounting, Production, Conference and Broadcast Services, Service Center, General Counsel, IT, and Regulatory Services staff time to support the sections (~8-10 FTE total).

SECTION AUTONOMY

Section Operations

	FY15 ACTUAL	FY16 ACTUAL	FY17 ACTUAL	FY18 BUDGET*	FY19 BUDGET
Revenue	\$802,103	\$710,461	\$660,677	\$613,210	TBD
Expense	\$646,815	\$727,529	\$675,588	\$903,363	TBD
Net	\$155,288	(\$17,068)	(\$14,911)	(\$290,153)	TBD

**Actual results for this cost center typically exceed budget expectations.*

Sections carry forward the results of their fiscal operations, whether positive or negative:

SECTION NAME	Members	Fund Balance (thru 4.30.18)
Administrative Law	280	\$ 41,530.26
Alternative Dispute Resolution	352	27,444.12
Animal Law	108	13,045.40
Antitrust, Consumer Protection, Unfair Business Practices	220	53,526.35
Business Law	1,277	39,078.13
Cannabis Law	63	250.70
Civil Rights Law	172	9,685.61
Construction Law	511	33,083.70
Corporate Counsel	1,084	51,061.32
Creditor Debtor Rights	512	30,700.79
Criminal Law	413	69,093.00
Elder Law	657	65,697.67
Environmental and Land Use Law	793	37,354.61
Family Law	1,121	92,521.85
Health Law	384	68,166.47
Indian Law	312	58,859.01
Intellectual Property	887	87,218.00
International Practice	239	22,750.63
Juvenile Law	203	9,121.93
Labor & Employment Law	991	88,822.45
Legal Assistance to Military Personnel	98	16,019.45
LGBT Law	116	7,134.38
Litigation	1,039	68,735.46
Low Bono	101	6,125.54
Real Property, Probate and Trust	2,342	96,922.81
Senior Lawyers	269	7,384.83
Solo & Small Practice	940	72,233.57
Taxation	656	61,300.14
World Peace Through Law	100	16,314.91
TOTAL	16,240	\$1,251,183.09

SECTION AUTONOMY

Financial Impacts to WSBA if Sections Split Off for Autonomy

Expenses:

- Reduction of support costs in the Sections, CLE, Finance & Accounting, Production, Conference and Broadcast Services, Service Center, General Counsel, IT, and Regulatory Services teams. At a minimum, the expenses would be reduced by \$200,000 from the difference between the costs reflected in the Sections Administration cost center (for 4.25 FTE) and the Per-Member Charge collected from Sections (\$300,000 for FY19). There would be additional reductions beyond this for CLE, Finance & Accounting, Production, Conference and Broadcast Services, Service Center, General Counsel, IT, and Regulatory Services staff time that currently support the sections and are not directly charged to the Sections Administration cost center.
- Future investments, such as replacement costs for a new listserv solution, would potentially not be incurred

Revenues:

- CLE seminar, product, and deskbook net revenues could be impacted, depending on the terms of any partnership/contract between WSBA and the sections

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2015 to September 30, 2015
100% OF YEAR COMPLETE

	FISCAL 2015 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	285,000.00	53.25	298,164.50	(13,164.50)	104.62%
TOTAL REVENUE:	285,000.00	53.25	298,164.50	(13,164.50)	104.62%
DIRECT EXPENSES:					
DUES STATEMENTS	8,500.00	-	8,122.36	377.64	95.56%
CREDIT CARD MERCHANT FEES	6,000.00	145.98	7,537.50	(1,537.50)	125.63%
STAFF TRAVEL/PARKING	1,300.00	372.40	1,163.69	136.31	89.51%
STAFF MEMBERSHIP DUES	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,500.00	-	700.04	799.96	46.67%
CONFERENCE CALLS	-	-	114.69	(114.69)	
MISCELLANEOUS	300.00	-	658.01	(358.01)	219.34%
TOTAL DIRECT EXPENSES:	17,900.00	518.38	18,296.29	(396.29)	102.21%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.04 FTE)	236,765.00	21,323.83	214,127.25	22,637.75	90.44%
BENEFITS EXPENSE	75,846.00	6,317.95	77,451.70	(1,605.70)	102.12%
OTHER INDIRECT EXPENSE	85,066.00	9,820.10	95,862.54	(10,796.54)	112.69%
TOTAL INDIRECT EXPENSES:	397,677.00	37,461.88	387,441.49	10,235.51	97.43%
TOTAL ALL EXPENSES:	415,577.00	37,980.26	405,737.78	9,839.22	97.63%
NET INCOME (LOSS):	(130,577.00)	(37,927.01)	(107,573.28)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2015 to September 30, 2015
100% OF YEAR COMPLETE

	FISCAL 2015 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	467,573.00	-	482,649.85	(15,076.85)	103.22%
SEMINAR PROFIT SHARE	140,700.00	84,024.04	245,923.81	(105,223.81)	174.79%
INTEREST INCOME	585.00	3,566.26	3,566.26	(2,981.26)	609.62%
PUBLICATIONS REVENUE	6,500.00	2,071.56	16,408.66	(9,908.66)	252.44%
OTHER	37,720.00	6,809.00	53,554.60	(15,834.60)	141.98%
TOTAL REVENUE:	653,078.00	96,470.86	802,103.18	(149,025.18)	122.82%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	555,747.00	55,728.48	348,650.71	207,096.29	62.74%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	287,829.25	53.25	298,164.50	(10,335.25)	103.59%
TOTAL DIRECT EXPENSES:	843,576.25	55,781.73	646,815.21	196,761.04	76.68%
NET INCOME (LOSS):	(190,498.25)	40,689.13	155,287.97		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2016 to September 30, 2016
100% OF YEAR COMPLETE

	FISCAL 2016 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	311,250.00	-	318,525.00	(7,275.00)	102.34%
TOTAL REVENUE:	311,250.00	-	318,525.00	(7,275.00)	102.34%
DIRECT EXPENSES:					
DUES STATEMENTS	8,500.00	-	9,173.06	(673.06)	107.92%
STAFF TRAVEL/PARKING	1,000.00	788.09	1,174.06	(174.06)	117.41%
STAFF MEMBERSHIP DUES	-	-	40.00	(40.00)	
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	229.34	770.66	22.93%
CONFERENCE CALLS	300.00	-	49.86	250.14	16.62%
MISCELLANEOUS	300.00	66.85	292.28	7.72	97.43%
TOTAL DIRECT EXPENSES:	11,100.00	854.94	10,958.60	141.40	98.73%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.98 FTE)	227,217.00	18,820.50	223,410.73	3,806.27	98.32%
BENEFITS EXPENSE	87,910.00	6,443.40	73,231.91	14,678.09	83.30%
OTHER INDIRECT EXPENSE	95,273.00	9,617.90	94,027.18	1,245.82	98.69%
TOTAL INDIRECT EXPENSES:	410,400.00	34,881.80	390,669.82	19,730.18	95.19%
TOTAL ALL EXPENSES:	421,500.00	35,736.74	401,628.42	19,871.58	95.29%
NET INCOME (LOSS):	(110,250.00)	(35,736.74)	(83,103.42)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2016 to September 30, 2016
100% OF YEAR COMPLETE

	FISCAL 2016 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	473,340.00	-	489,577.87	(16,237.87)	103.43%
SEMINAR PROFIT SHARE	139,200.00	19,320.62	160,774.56	(21,574.56)	115.50%
INTEREST INCOME	719.00	5,355.49	5,355.49	(4,636.49)	744.85%
PUBLICATIONS REVENUE	6,500.00	1,132.94	8,859.77	(2,359.77)	136.30%
OTHER	60,953.00	1,151.25	45,893.66	15,059.34	75.29%
TOTAL REVENUE:	680,712.00	26,960.30	710,461.35	(29,749.35)	104.37%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	582,512.84	60,804.46	409,003.92	173,508.92	70.21%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	306,970.25	-	318,525.00	(11,554.75)	103.76%
TOTAL DIRECT EXPENSES:	889,483.09	60,804.46	727,528.92	161,954.17	81.79%
NET INCOME (LOSS):	(208,771.09)	(33,844.16)	(17,067.57)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2017 to September 30, 2017
100.00% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	307,000.00	79.66	325,654.66	(18,654.66)	106.08%
TOTAL REVENUE:	307,000.00	79.66	325,654.66	(18,654.66)	106.08%
DIRECT EXPENSES:					
DUES STATEMENTS	9,500.00	-	5,416.72	4,083.28	57.02%
STAFF TRAVEL/PARKING	1,000.00	-	836.07	163.93	83.61%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	879.38	120.62	87.94%
CONFERENCE CALLS	300.00	2.58	206.76	93.24	68.92%
MISCELLANEOUS	300.00	41.00	306.14	(6.14)	102.05%
TOTAL DIRECT EXPENSES:	12,100.00	43.58	7,645.07	4,454.93	63.18%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.03 FTE)	259,395.00	16,517.92	269,490.65	(10,095.65)	103.89%
BENEFITS EXPENSE	93,121.00	6,989.00	92,842.19	278.81	99.70%
OTHER INDIRECT EXPENSE	95,540.00	8,198.18	88,793.32	6,746.68	92.94%
TOTAL INDIRECT EXPENSES:	448,056.00	31,705.10	451,126.16	(3,070.16)	100.69%
TOTAL ALL EXPENSES:	460,156.00	31,748.68	458,771.23	1,384.77	99.70%
NET INCOME (LOSS):	(153,156.00)	(31,669.02)	(133,116.57)		

Washington State Bar Association
Statement of Activities
For the Period from September 1, 2017 to September 30, 2017
100.00% OF YEAR COMPLETE

	FISCAL 2017 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	475,770.00	(70.00)	494,681.50	(18,911.50)	103.97%
SEMINAR PROFIT SHARE	151,310.00	18,398.46	106,741.21	44,568.79	70.54%
INTEREST INCOME	1,406.00	10,722.20	10,722.20	(9,316.20)	762.60%
PUBLICATIONS REVENUE	5,000.00	-	5,389.80	(389.80)	107.80%
OTHER	55,125.00	670.00	43,142.71	11,982.29	78.26%
TOTAL REVENUE:	688,611.00	29,720.66	660,677.42	27,933.58	95.94%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	627,684.00	41,768.95	350,050.71	277,633.29	55.77%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	310,818.75	(37.50)	325,537.50	(14,718.75)	104.74%
TOTAL DIRECT EXPENSES:	938,502.75	41,731.45	675,588.21	262,914.54	71.99%
NET INCOME (LOSS):	(249,891.75)	(12,010.79)	(14,910.79)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	308,000.00	3,075.00	297,712.50	10,287.50	96.66%
TOTAL REVENUE:	308,000.00	3,075.00	297,712.50	10,287.50	96.66%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	62.10	316.75	883.25	26.40%
SUBSCRIPTIONS	300.00	-	372.00	(72.00)	124.00%
CONFERENCE CALLS	300.00	-	161.33	138.67	53.78%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	2,000.00	-	580.34	1,419.66	29.02%
DUES STATEMENTS	6,000.00	-	5,257.54	742.46	87.63%
TOTAL DIRECT EXPENSES:	10,100.00	62.10	6,687.96	3,412.04	66.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.00 FTE)	266,847.00	22,778.82	144,713.13	122,133.87	54.23%
BENEFITS EXPENSE	100,979.00	8,140.33	57,969.06	43,009.94	57.41%
OTHER INDIRECT EXPENSE	97,132.00	8,395.86	52,737.46	44,394.54	54.29%
TOTAL INDIRECT EXPENSES:	464,958.00	39,315.01	255,419.65	209,538.35	54.93%
TOTAL ALL EXPENSES:	475,058.00	39,377.11	262,107.61	212,950.39	55.17%
NET INCOME (LOSS):	(167,058.00)	(36,302.11)	35,604.89		

Washington State Bar Association
Statement of Activities
For the Period from April 1, 2018 to April 30, 2018
58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	484,380.00	4,711.25	451,908.75	32,471.25	93.30%
SEMINAR PROFIT SHARE	78,934.45	-	25,324.76	53,609.69	32.08%
INTEREST INCOME	1,371.00	-	-	1,371.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	4,027.14	(27.14)	100.68%
OTHER	44,525.00	1,235.00	26,520.00	18,005.00	59.56%
TOTAL REVENUE:	613,210.45	5,946.25	507,780.65	105,429.80	82.81%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,980.00	14,197.72	156,611.57	428,368.43	26.77%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	318,382.50	3,075.00	297,712.50	20,670.00	93.51%
TOTAL DIRECT EXPENSES:	903,362.50	17,272.72	454,324.07	449,038.43	50.29%
NET INCOME (LOSS):	(290,152.05)	(11,326.47)	53,456.58		

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

SECTIONS ADMINISTRATION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
REIMBURSEMENTS FROM SECTIONS	308,000.00	300,000.00	(8,000.00)	-3%
TOTAL REVENUE:	<u>308,000.00</u>	<u>300,000.00</u>	<u>(8,000.00)</u>	<u>-3%</u>
DIRECT EXPENSES:				
SECTION/COMMITTEE CHAIR MTGS	2,000.00	1,000.00	(1,000.00)	-50%
DUES STATEMENTS	6,000.00	6,000.00	-	0%
STAFF TRAVEL/PARKING	1,200.00	1,200.00	-	0%
STAFF MEMBERSHIP DUES	-	125.00	125.00	
SUBSCRIPTIONS	300.00	372.00	72.00	24%
CONFERENCE CALLS	300.00	300.00	-	0%
MISCELLANEOUS	300.00	300.00	-	0%
TOTAL DIRECT EXPENSES:	<u>10,100.00</u>	<u>9,297.00</u>	<u>(803.00)</u>	<u>-8%</u>
INDIRECT EXPENSES:				
FTE	4.00	4.25	0.25	6%
SALARY EXPENSE	266,847.00	297,955.00	31,108.00	12%
BENEFIT EXPENSE	100,979.00	111,672.00	10,693.00	11%
OVERHEAD	97,132.00	104,454.00	7,322.00	8%
TOTAL INDIRECT EXPENSES:	<u>464,958.00</u>	<u>514,081.00</u>	<u>49,123.00</u>	<u>11%</u>
TOTAL ALL EXPENSES:	<u>475,058.00</u>	<u>523,378.00</u>	<u>48,320.00</u>	<u>10%</u>
NET INCOME (LOSS):	<u>(167,058.00)</u>	<u>(223,378.00)</u>	<u>(56,320.00)</u>	

The WSBA has 29 sections and provides the administrative functions necessary to support them. Direct staff time and expenses related to administering the sections are included in this cost center. This cost center also supports the indirect costs of developing 70 credit hours of 'Mini CLEs' for Sections in FY19. Sections partially reimburse WSBA for the cost of supporting sections through a charge of \$18.75 per member (shown as revenue in this cost center and as an expense on each section's financial statement). Expenses are the costs associated with the preparation and mailing of the annual section dues invoices, the collection of section dues, and staff-related expenses for supporting the sections. Overall direct expenses for the cost center in FY19 are reduced from FY18.

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Budget and Audit Committee

Re: Budget and Audit Committee Recommendations to revise CLE Revenue Sharing Model, set LPO and LLLT License Fees and Client Protection Fund Assessment, and Increase Law Clerk Program Annual Fee

Date: July 19, 2018

ACTION: Approve recommendations of the Budget and Audit Committee to: (1) revise the CLE Revenue Sharing Model (Agenda Item 3.a.2), (2) set LPO and LLLT license fees and Client Protection Fund assessment (Agenda Item 3.a.3), and (3) increase Law Clerk Program Annual Fee (Agenda Item 3.a.4).

- **Agenda Item 3.a.2: Budget and Audit Committee Recommendation to Revise the CLE Revenue Sharing Model**

On April 26, 2018, the Budget and Audit Committee recommended that the Board of Governors approve proposed revisions to Chapter 10 of the Fiscal Policies and Procedures Manual regarding WSBA CLE and other programs presented in partnership with sections. The Board of Governors considered this recommendation on first reading at the May 17-18, 2018 Board meeting. All materials provided to the Board on first reading are set forth in Attachment A.

- **Agenda Item 3.a.3: Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) License Fees and Client Protection Fund Assessment**

On April 26, 2018, the Budget and Audit Committee recommended that, effective FY19, the Board of Governors (1) increase license fees for Active LPOs and LLLTs to \$200, (2) set license fees for inactive LPOs and LLLTs at \$100, (3) require active LLLTs to pay a \$30 assessment fee annually, and (4) not require active LPOs to pay any CPF fee. The Board of Governors considered this recommendation on first reading at the May 17-18, 2018 Board meeting. All materials provided to the Board on first reading, and supplemental background information included in the Budget and Audit Committee June 18, 2018 meeting materials, are set forth in Attachment B.

- **Agenda Item 3.a.4: Law Clerk Program Annual Fee**

On June 18, 2018, the Budget and Audit Committee recommended that the Board of Governors increase the Admission and Practice Rule (APR) 6 Law Clerk program annual fee from \$1,500 to \$2,000. All materials considered by the Committee are set forth in Attachment C.

ATTACHMENT A

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Budget and Audit Committee

FROM: Terra Nevitt, Director of Advancement and Chief Development Officer
Kevin Plachy, Education Programs Manager
Paris Eriksen, Sections Program Manager

RE: Proposed Changes to WSBA Fiscal Policy regarding WSBA CLE and WSBA Sections

DATE: April 19, 2018

ACTION: Recommend to the WSBA Board of Governors proposed revisions to Chapter 10 of the WSBA Fiscal Policies and Procedures Manual regarding WSBA CLE and Programs Presented in Partnership with WSBA Sections.

Consistent with our discussion at the February 15 meeting of WSBA Budget and Audit Committee regarding a new approach to sharing revenue for CLE programing developed in partnership with WSBA Sections, attached are proposed revisions to Chapter 10 of the WSBA Fiscal Policies and Procedures Manual regarding WSBA CLE and Programs Presented in Partnership with WSBA Sections. Included are:

- Attachment A – Proposed Policy
- Attachment B – Redline of Proposed Policy
- Attachment C – Current Policy
- Attachment D – February 7, 2018 memo

Fiscal Impact

As detailed in the February 7, 2018 memo presented for the February 15 meeting of the WSBA Budget and Audit Committee, this change to WSBA Fiscal Policy is anticipated to result in reduced revenue to WSBA-CLE¹, but we believe will strengthen the partnership between WSBA CLE and Sections and insure our ability to meet our mission to provide high-quality educational programming to WSBA members.

Section Engagement and Feedback

Following the February 15 meeting a number of sections have reached out for information and updates about the status of this proposed change, but we have not received any feedback in opposition to the proposal.

We look forward to discussing the proposal and answering your questions on April 26.

¹ Using FY18 numbers, the projected Net Revenue to WSBA CLE under the proposed model would be approximately \$96,892, compared to projected Net Revenue of \$162,804 under the current model. The CLE Fund split was between 4 centers: WSBA CLE and WSBA DASHBOOK. Taking into account both cost centers and using FY18 numbers, under the proposed model the CLE Fund would incur a projected loss of \$74,116. The CLE Revenue Fund, which has a balance of \$471,073, should allow WSBA sufficient time to determine how to support our efforts in the production of WSBA DASHBOOK.

ATTACHMENT A

CLE PROFIT SHARING MODEL: PROPOSED REVISIONS TO CHAPTER 10 OF THE WSBA FISCAL POLICIES AND PROCEDURES MANUAL

WSBACLE and Programs Presented in Partnership with Sections

Programs Co-sponsored with Sections

The goal of all WSBA CLE programs is to support the mission and strategic goals of the organization. WSBA Sections are an important partner in these efforts. WSBA retains fiscal reserves ("WSBA CLE Fund") to mitigate against changes in the CLE market, sustain and improve important technology required for the delivery of CLE programs, and protect against unexpected revenue shortfalls.

Net seminar and any associated net on-demand product revenue for all WSBA CLE programs developed in partnership with Sections (excluding mini-CLEs) will be split between the WSBA CLE Fund and the partnering Section's cost center. Beginning with seminars delivered in FY19, net revenues will be split 50-50(%) between the WSBA CLE Fund and the partnering Section's cost center, up to a total net revenue of \$8,000. Net revenue exceeding \$8,000 will be split 65% to WSBA and 35% to the Section. WSBA will absorb any net losses sustained by individual programs.

In calculating net revenue, WSBA will subtract all direct and indirect costs for the development of the live program and on-demand product from the gross revenue of the live program and on-demand product sales. WSBA will keep the Section informed of the program financials in a timely and transparent manner. Following each fiscal year's close, the partnering Section will receive its portion of any net revenue earned in that fiscal year, based on audited financial statements.

Because the CLE market is dynamic, WSBA and the Sections will annually review overall results and may seek to adjust the revenue sharing terms set forth in this policy to ensure that CLE programming and WSBA CLE Fund reserves are sustainable.

Mini-CLEs

WSBA CLE also supports Section CLE programming through a "mini-CLE" model. Mini-CLEs are seen as exclusively member-benefit programs. They do not exceed 2.0 credit hours in length and registration fees must be \$35 or less. For mini-CLEs, WSBA staff provides limited assistance at no charge to the Section (e.g. program accreditation, reporting and attendance tracking). Sections do much more of the preparation and production of seminars than regular CLE programming, and are responsible for working in collaboration with WSBA (e.g. following procedures outlined including timely notice, providing onsite registration personnel, etc.).

ATTACHMENT B - REDLINE

CLE PROFIT SHARING MODEL:

PROPOSED REVISIONS TO CHAPTER 10 OF THE WSBA FISCAL POLICIES AND PROCEDURES MANUAL

WSBA-CLE and Programs Presented in Partnership with Sections Splitting CLE Profits/Losses

Programs Co-sponsored with Sections (Plan A and Plan B)

The goal of all WSBA CLE programs is to support the mission and strategic goals of the organization. WSBA Sections are an important partner in these efforts. WSBA retains fiscal reserves ("WSBA CLE Fund") to mitigate against changes in the CLE market, sustain and improve important technology required for the delivery of CLE programs, and protect against unexpected revenue shortfalls, and the WSBA-CLE Department are required to work together. All CLEs co-sponsored with a Section—or not—are charged an administrative fee to cover the CLE Department's staff time and overhead associated with seminars. The administrative charge is a percentage of gross revenues from the CLE. This percentage shall be determined at the beginning of each fiscal year by the CLE Director based on the prior year's overhead expenses and the current year's budget. After deducting the administrative fee and all direct costs of the co-sponsored program (e.g., facilities, speakers, etc.), the Section and the CLE Department will split the net profit or loss 50/50. These programs are labeled "Plan A" programs.

Net seminar and any associated net on-demand product revenue for all WSBA CLE programs developed in partnership with Sections (excluding mini-CLEs) will be split between the WSBA CLE Fund and the partnering Section's cost center. Beginning with seminars delivered in FY19, net revenues will be split 50-50(%) between the WSBA CLE Fund and the partnering Section's cost center, up to a total net revenue of \$8,000. Net revenue exceeding \$8,000 will be split 65% to WSBA and 35% to the Section. WSBA will absorb any net losses sustained by individual programs.

In calculating net revenue, WSBA will subtract all direct and indirect costs for the development of the live program and on-demand product from the gross revenue of the live program and on-demand product sales. WSBA will keep the Section informed of the program financials in a timely and transparent manner. All Section mid-year meetings will be administered pursuant to the foregoing paragraph. Following each fiscal year's close, the partnering Section will receive its portion of any net revenue earned in that fiscal year, based on audited financial statements.

Because the CLE market is dynamic, WSBA and the Sections will annually review overall results and may seek to adjust the revenue sharing terms set forth in this policy to ensure that CLE programming and WSBA CLE Fund reserves are sustainable.

For annual programs that are (a) seen as both fiscally lower risk to Sections (unless specifically decided by the Section in consultation with the CLE Department to allow for the greater risk—e.g., bringing in a high-priced speaker) and (b) part of the administrative structure of the Section, the CLE Department uses a revenue sharing plan that includes charging the program the standard administrative fee but the Section receives 100% of the profit or loss from that program. These programs are labeled "Plan B" programs.

Sections' Smaller Programs in which CLE Staff Provide Limited Assistance (Mini-CLEs)

ATTACHMENT B - REDLINE

CLE PROFIT SHARING MODEL:

PROPOSED REVISIONS TO CHAPTER 10 OF THE WSBA FISCAL POLICIES AND PROCEDURES MANUAL

WSBA CLE also supports Section CLE programming through a "mini-CLE" model. Mini-CLEs
For smaller enrollment seminar programs that the Sections put on for Section members that are
designated "mini-cles," the CLE Department provides limited assistance to the Section at no
charge (e.g., advertising support, online registration, etc.). In these cases, the Sections do much more
of the preparation and production of the seminars than regular CLE programming. These "mini-cles"
are seen as exclusively member-benefit programs. They do not exceed 2.0 credit hours in length and
registration fees must be \$325 or less. For mini-CLEs, The CLE Department WSBA staff provides
limited assistance at no charge to the Section (e.g., program accreditation, reporting and
attendance tracking), specific support for these programs. Sections do much more of the
preparation and production of seminars than regular CLE programming, and are responsible for
working in collaboration with WSBA the CLE Department (i.e., following procedures outlined
including timely notice, providing onsite registration personnel, etc.). Please consult with the CLE
Director for specific procedural information.

Accounting for Profit/Loss on CLE Seminars

It is important for the CLE Department and the program sponsors, many of whom are WSBA Sections,
to know the financial results of their seminar as soon as possible. The CLE Department must wait for
all revenue and expenses to be posted before the seminar can be "closed." The CLE Department
has instituted a four to six week preliminary fiscal summary for Sections. Upon closing a seminar,
the CLE Department shall submit a journal entry to the Accountant to transfer the appropriate
portion of the gain or loss to the Section. The CLE Department strives to close each Section seminar
no later than 60 to 75 days after the date of the event but late arriving bills, most notably faculty
expenses, sometimes lengthen this time. The CLE Department will keep the Section informed of the
current of the status of the seminar financials.

ATTACHMENT C

CURRENT CLE PROFIT SHARING MODEL

(Excerpt from WSBA Fiscal Policies and Procedures Manual, Chapter 10)

WSBA-CLE and Section Splitting CLE Profits / Losses

Programs Co-sponsored with Sections (Plan A and Plan B)

Sections and the WSBA CLE Department are required to work together. All CLEs co-sponsored with a Section or not are charged an administrative fee to cover the CLE Department's staff time and overhead associated with seminars. The administrative charge is a percentage of gross revenues from the CLE. This percentage shall be determined at the beginning of each fiscal year by the CLE Director based on the prior year's overhead expenses and the current year's budget. After deducting the administrative fee and all direct costs of the co-sponsored program (e.g., facilities, speakers, etc.), the Section and the CLE Department will split the net profit or loss 50/50. These programs are labeled "Plan A" programs.

All Section mid-year meetings will be administered pursuant to the foregoing paragraph.

For annual programs that are (a) seen as both fiscally lower risk to Sections (unless specifically decided by the Section in consultation with the CLE Department to allow for the greater risk - e.g., bringing in a high-priced speaker) and (b) part of the administrative structure of the Section, the CLE Department uses a revenue sharing plan that includes charging the program the standard administrative fee but the Section receives 100% of the profit or loss from that program. These programs are labeled "Plan B" programs.

Sections' Smaller Programs in which CLE Staff Provide Limited Assistance (Mini-CLEs)

For smaller enrollment seminar programs that the Sections put on for Section members that are designated "mini-cles," the CLE Department provides limited assistance to the Section at no charge (e.g. advertising support, online registration, etc.). In these cases, the Sections do much more of the preparation and production of the seminars than regular CLE programming. These "mini-cles" are seen as exclusively member-benefit programs and the registration fees must be \$25 or less. The CLE Department provides specific support for these programs. Sections are responsible for working in collaboration with the CLE Department (i.e., following procedures outlined including timely notice, providing onsite registration personnel, etc.). Please consult with the CLE Director for specific procedural information.

Accounting for Profit / Loss on CLE Seminars

It is important for the CLE Department and the program sponsors, many of whom are WSBA Sections, to know the financial results of their seminar as soon as possible. The CLE Department must wait for all revenue and expenses to be posted before the seminar can be "closed." The CLE Department has instituted a four to six week preliminary fiscal summary for Sections. Upon closing a seminar, the CLE Department shall submit a journal entry to the Accountant to transfer the appropriate portion of the gain or loss to the Section. The CLE Department strives to close each Section seminar no later than 60 to 75 days after the date of the event but late arriving bills, most notably faculty expenses, sometimes lengthen this time. The CLE Department will keep the Section informed of the current of the status of the seminar financials.

ATTACHMENT D

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Budget and Audit Committee

FROM: Terra Nevitt, Director of Advancement and Chief Development Officer
Kevin Plachy, Education Programs Manager
Paris Eriksen, Sections Program Manager

RE: Proposed Changes to WSBA Fiscal Policy regarding WSBA-CLE and Sections

DATE: February 7, 2018

Effective January 1, 2016, MCLE rule changes removed the requirement of live participation (in-person and webcast) for continuing legal education credit, resulting in a shift in the market toward on-demand education. Concurrently, WSBA Sections expressed interest in discussing the financial relationship between WSBA-CLE and Sections with a specific request to look at profit sharing options for on-demand seminars (products sold on the WSBA-CLE store).

Beginning in April 2017, WSBA engaged with the Sections about potential changes to the current model by which WSBA-CLE and Sections collaborate on educational events. This memorandum provides pertinent background; introduces a proposed new revenue sharing model; outlines WSBA-CLE's extensive outreach, communication, and engagement with the Sections; and identifies next steps to implement this change in FY19.

WSBA-CLE and Market Trends

WSBA-CLE is a self-sustaining activity that does not rely on license fee revenue to operate. Each year, WSBA-CLE develops approximately 400 credits hours of live programming and 345 credit hours of on demand seminars. About half of these credits are from Section CLEs.

During FY2017, WSBA-CLE seminars (including those with Sections) experienced:

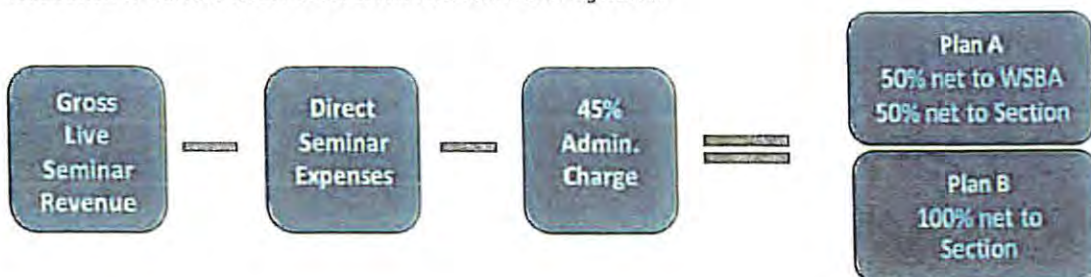
- 35% decrease in live seminar attendance
- 14% increase in on-demand seminar sales
- 41% decrease in live registration revenue
- 42% decrease in overall revenue splits to Sections

Current Section Revenue Sharing Model

Under the current Fiscal Policy¹, seminars developed collaboratively with WSBA-CLE are classified as either Plan A or Plan B. For a Plan A seminar, WSBA-CLE and Sections split the net revenue or loss of a seminar 50/50. For a Plan B seminar, the Section absorbs 100% of net profit or loss. All Section seminars, whether a Plan A or B, are charged a 45% administrative charge of the gross revenue from the CLE as a proxy for WSBA to recapture overhead expenditures. Revenues are shared for live seminar sales, but not for on-demand sales.

¹ Washington State Bar Association 15th Annual Meeting Proceedings (2017).

Illustration 1: Current WSBA-CLE & Sections Revenue Sharing Model



A Possible New Approach

In April 2017, WSBA began a conversation with Section Leaders about developing a new approach to sharing net revenue from live, webcast, and on-demand CLE programming in the face of rapidly changing market conditions. Our goals were: simplicity, actual cost recovery, shared accountability, and mutual benefit to *all* WSBA Sections.

Shortly after the April 2017 meeting, WSBA CLE and the WSBA Finance team started work to examine all of the revenue and costs associated with the development of live and on demand seminars. The financial analysis was performed over the span of several months leading up to the Fall Section Leaders Meeting in October, 2017. An analysis of all section programs developed in partnership with WSBA CLE from FY14 to FY18 was done. Spreadsheets were developed for each program indicating all revenue and costs associated with both the live and on demand seminars. The spreadsheets showed how the programs performed under the current model versus how they would have performed under the proposed approach. This information was a key tool in the outreach to sections discussed below.

Based on market trends, financial data, and Section input, we propose that WSBA-CLE and Sections share net revenue on live and on-demand education after all actual direct and indirect costs have been covered. The net revenue would be distributed based on a tiered split: 50% Section/50% WSBA for the first \$8,000 of net revenue and 35% Section/65% WSBA for all revenue in excess of \$8,000. Under this model, WSBA would absorb any losses; the 65% WSBA share of profits over \$8,000 would enable WSBA to do that. This proposed new approach is designed to enable all Sections to put on programming, while protecting WSBA from losses and additional shifts in the market, as well as retaining sufficient earnings to stay current with technology.

Illustration 2: A Possible New Approach



Other key aspects of the model include:

- Indirect accounting allocations are based on a per-credit-hour formula. The more credit hours produced, the lower the cost per credit-hour. The FY18 projections are based on a development budget of 400 live seminar credit-hours and 345 on-demand seminar credit-hours, which is informed by the FY17 portfolio.
- On-demand products have a 2 year, 9 months sales cycle; Sections would share revenue, if any, for the lifespan of the product.
- Net revenue from live seminars and on-demand sales, if any, would be disbursed to Sections annually.
- Multi-day midyear seminars would be recorded and converted to on-demand products.
- The mini-CLE model is not changed by this proposal.

Fiscal Impact of New Approach

We analyzed the impact on the overall CLE fund in FY17, and are still determining the fiscal impact of this approach on our FY18 CLE budgets:

- Total projected net revenue to WSBA-CLE under the current model for FY18 is projected to be \$162,804.00. The projected Net Revenue to WSBA-CLE under the proposed model would be approximately \$96,892.00, which includes the absorption of losses of programs that do not cover all costs.
- FY18 Section Revenue splits to Sections are projected to be \$57,070.00 under the current model and FY18 splits under the proposed model would be approximately \$100,573.00.
- Per FY18 projections, 14 Section seminars would net revenue over \$8,000 and 10 Section seminars would net revenue under \$8,000.

Although WSBA will be taking a small share of excess revenue overall, we believe this approach will strengthen the partnership with between WSBA-CLE and Sections and insure that we can meet our mission to provide high-quality programming to the members.

Section Engagement and Feedback

We have engaged in the following outreach with Sections in developing and refining this proposal:

- April 17, 2017 – Presentation of WSBA-CLE and Market Trends at Annual Spring Section Leaders Meeting
- October 26, 2017 – Half-day discussion of WSBA-CLE and Section Collaboration Models, including detailed financial information at the Annual Fall Section Leaders Meeting. Following the meeting, each Section received information containing a summary of the meeting, meeting materials and, if applicable, a specific excel spreadsheet containing the financial data (all costs and revenue) associated with each section's specific seminar(s) from FY2014 through FY2018 (using budgeted numbers for FY2018).
- November 6, 2017 to January 25, 2018
 - ❑ Distribution of Feedback Survey via Section Leaders List serve.
 - ❑ CLE Manager Kevin Plachy met with 22 of 29 Sections to discuss and answer questions about the financial data and the potential new approach
 - ❑ Kevin Plachy and Sections Program Manager Paris Eriksen hosted four drop-in calls to provide Section Leaders with additional opportunities to ask questions and share feedback. Five Sections participated in these calls.

- January 26, 2018 – Half-day roundtable discussion to bring Section leaders together to continue the dialogue on a possible new model for CLE review sharing. 18 Sections were represented at this meeting. At the meeting WSBA staff discussed the details of the new approach, including the split amounts.

Overall, Sections have reacted positively to the possible new approach and have raised good questions, including:

- Timing of payments to Sections and concern about how to budget for and accommodate the initial delay of payment in the first year of a seminar while waiting for all costs to be incurred.
- Potential impact that recording multi-day midyears may have on live attendance.
- The timeframe for producing an on-demand product from a live seminar.
- How to maximize the products on the store to optimize online sales.

Next Steps

We believe this proposed approach will lead to greater collaboration with Sections and WSBA-CLE by extending net revenue sharing due to on-demand products and by eliminating financial barriers and risks for Sections. Implementation will require a revision to Chapter 10 of the WSBA Fiscal Policies and Procedures Manual regarding Section CLEs. We are seeking your guidance on what other information would be helpful to the Committee and to the Board of Governors in determining whether to make such a change. To take effect in FY19, the Committee would need to make a recommendation to the Board no later than June, so that the Board could consider it on first reading in July and take action in September.

ATTACHMENT B

WASHINGTON STATE
BAR ASSOCIATION

TO: Budget and Audit Committee
FROM: Jean McElroy, Chief Regulatory Counsel
Robert Henry, Regulatory Services Associate Director
DATE: April 16, 2018
RE: Limited Practice Officer and Limited License Legal Technician License Fees and Client Protection Fund Assessment

ACTION: Recommend to the Board of Governors (BOG) that: (1) license fees for Active Limited Practice Officers (LPO) and Limited License Legal Technicians (LLLT) be increased to \$200; (2) license fees for Inactive LPOs and LLLTs be set at \$100; (3) Active LLLTs pay a \$30 annual Client Protection Fund (CPF) assessment; and (4) Active LPOs not pay any CPF assessment.

Background and Purpose

Historically, as discussed with the Committee in February, LPO license fees were established by the Limited Practice (LP) Board subject to Washington Supreme Court review; LLLT license fees were established by the LLLT Board subject to Court review; and clients of LPOs and LLLTs were not eligible to request gift awards from the WSBA Client Protection Fund (CPF). Effective September 1, 2017, under amended Admission and Practice Rules (APR) and according to the WSBA Bylaws, the BOG is responsible for establishing LPO and LLLT license fees subject to Court review. In addition, under the amended APR, LPO and LLLT clients may receive gifts from the CPF as prescribed by the CPF rules.

This memorandum provides feedback from the LP Board and the LLLT Board about proposed license fees for LPOs and LLLTs and about whether the BOG should recommend to the Court a CPF assessment for each of these limited license types. As requested, this memorandum also provides information showing the budget impact of a two-tier license fee structure. The information is provided so that the Committee can make an informed decision about establishing LPO and LLLT license fees and about whether the BOG should recommend to the Supreme Court that LPOs and LLLTs contribute to the CPF and, if so, how much the assessments should be.

To effect any changes for the 2019 licensing year, the Committee must make its recommendation as soon as possible. This will allow the BOG to similarly review the fees as soon as possible and send them to the Court, for review in time for the fees to be incorporated into the 2019 licensing processes that begin in October of 2018.

Two Tier License Fee Structure

One model we have been discussing with the Committee and with the LP and LLLT Boards is a two-tier license fee structure for WSBA members that has:

- 1) Active license fees for lawyers set at one amount (currently \$449); and
- 2) Active license fees for LPOs, LLLTs, and other licenses to engage in the limited practice of law only within defined scopes of practice, set at a different, lower amount (perhaps \$200, which is the license fee for Emeritus Pro Bono Lawyer members, who have a limited practice of law only within a defined scope of practice).

Discussions with LP Board and LLLT Board

Following the meeting, we continued discussions with the LP and LLLT Boards, including the possibility of the two-tier license fee structure discussed above, among other fee models. Both Boards support the two-tier fee structure, with the Active LPO and LLLT license fees set at \$200. In addition, we continued discussions with the Boards regarding possible CPF assessments. The LLLT Board supports a CPF assessment on Active LLLTs in the amount of \$30. The LP Board, on the other hand, recommends that Active LPOs not be required to pay any CPF assessment because LPO employers (and thereby LPOs) already have systems in place to protect clients. Letters from the chairs of both the LP and LLLT Boards are attached and explain their positions.

Budget Impact

At its February meeting, the Committee asked for information showing the budget impact of: (1) a \$200 license fee for Active LPOs and LLLTs; (2) a \$100 license fee for Inactive LPOs and LLLTs; and (3) the prorated license fee for new LPOs and LLLTs (consistent with the proration in place for new lawyers), as described in the WSBA Bylaw amendments (approved by the BOG on March 8, 2018).

Based on the present number of LPO and LLLT licensees, the implementation of a two-tier license fee structure as described above would result in increased revenue of \$64,185. Pursuant to the WSBA Bylaws adopted on March 8, 2018, new LPO and LLLT members in their first two full years of licensure will pay a prorated license fee regardless of whether there is any change to the license fees next year. The table below demonstrates the sources of license fee revenue from LPOs and LLLTs and how it would change in 2019 based on the license fees suggested by the Committee and recommended by the LP and LLLT Boards. This table does not take into account any anticipated increase in the number of LPO and LLLT licenses for 2019.

	2018 License Count	Current License Fee Structure		Proposed Two Tier Structure		Increase (Decrease) Revenue
		License Fee	Revenue	License Fee	Revenue	
Active LPOs	745	\$110	\$81,950	\$200	\$149,000	\$67,050
New Active LPOs	50	\$110	\$5,500	\$100	\$5,000	(\$500)
Inactive LPOs	174	\$110	\$19,140	\$100	\$17,400	(\$1,740)
Total LPO Fees			\$106,590		\$171,400	\$64,810
Active LLLTs	17	\$175	\$2,975	\$200	\$3,400	\$425
New Active LLLTs	11	\$175	\$1,925	\$100	\$1,100	(\$825)
Inactive LLLTs	3	\$175	\$525	\$100	\$300	(\$225)
Total LLLT Fees			\$5,425		\$4,800	(\$625)
COMBINED FEE REVENUE			\$112,015		\$176,200	\$64,185

As we have informed the BOG over the last two years, with the coordinated admissions and licensing implementation, some of the administrative work associated with the LPO and LLLT programs has been consolidated into the WSBA Admissions, Licensing and MCLE workgroups within RSD. Because of this consolidation, all revenue and expenses related to the LPO and LLLT licenses, except for the board and outreach expenses, were moved out of the LPO and LLLT cost centers and into the appropriate cost center, e.g., Admissions, MCLE, License Fees, etc. However, WSBA accounting and administrative staff are still able to identify and estimate budget items related to the LPO and LLLT licenses when necessary for analysis and planning.

With respect to LPO fiscal impacts, the FY18 budget anticipates a net loss for the LPO license in the amount of \$44,530. All things being equal, the additional LPO license fee revenue of \$64,810 based on the two-tier license fee structure would result in a net income of \$20,280. This figure does not take into account expected increases in expenses, other revenue sources and changes in LPO license numbers. We expect that after taking into account all of the many budgetary forecasts and considerations, there would still be a net income but it would be closer to \$15,000. It is important to note, however, that these numbers could change depending on whether and how much of an increase we see in the numbers of LPOs and LLLTs licensed in FY 2019. With respect to fiscal impacts on the LLLT license, which is still in a start-up phase, the proposed license fee changes would result in a nominal decrease in revenue and have an overall negligible effect on the budget.

Client Protection Fund Assessment

As discussed above, the LLLT Board supports a CPF assessment on Active LLLTs. However, the LP Board does not support a CPF assessment on Active LPOs because LPO employers are already required to have fidelity bonds or insurance, or are lawyers who pay into the CPF. The attached letter from the LP Board explains its position in detail. The table below demonstrates that the CPF would receive approximately \$24,690 annually if a \$30 assessment on both license types were ordered by the Court, based on current license counts. If the Court does not order an assessment on LPOs, the annual additional amount to the CPF would be the approximately \$840 that is paid by LLLTs only.

	2018 License Count	\$30 CPF Assessment
Active LLLT (including new)	28	\$840
Active LPO (including new)	795	\$23,850
Total Potential CPF Revenue	823	\$24,690

ATTACHMENTS:

1. Letter from Limited Practice Board
2. Letter from Limited License Legal Technician Board

April 11, 2018

Kim Risenmay, Treasurer, and Budget and Audit Committee
Washington State Bar Association
1325 4th Ave Ste 600
Seattle, WA 98101

RE: LPO License Fees and Client Protection Fund Assessment

Dear Mr. Risenmay and Committee Members:

I write on behalf of the Limited Practice Board (LP Board) regarding Limited Practice Officer (LPO) license fees and an assessment on LPOs for the Client Protection Fund (CPF). The LP Board recommends that the Board of Governors:

- 1) adopt a two tier fee structure for WSBA members that has
 - a) Active license fees for lawyers set at one amount (currently \$449),
 - b) Active license fees for LPOs and Limited License Legal Technicians [LLLTs] (both have licenses to engage in the limited practice of law only within defined scopes of practice) set at a different, lower amount, and
 - c) Based on a) and b), an Active LPO license fee set at \$200 (the same amount as the license fee amount for Emeritus Pro Bono lawyer members, who also have a license to engage in the limited practice of law only within a defined scope of practice) with the inactive LPO license fee set at \$100; and
- 2) recommend that the Supreme Court not order LPOs to pay an annual assessment for the CPF, for the reasons stated below.

LPO License Fees

At the LP Board's March 13, 2018 meeting, the LP Board heard from WSBA staff about:

- the reallocation of revenue and expenses from the LPO cost center to various cost centers within the Regulatory Services Department as a result of LPOs becoming members of the WSBA and the efforts to coordinate the admissions, MCLE, and licensing processes for all Washington licensed legal professionals;



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Kim Risenmay, Treasurer, and Budget and Audit Committee

April 11, 2018

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- the declining net income and, in recent years, the increasing net loss in the LPO cost center;
- the length of time since the last increase to LPO license fees, which occurred in 2006 (from \$85 to \$110);
- the approval by the BOG of the new admittee license fee proration Bylaw for new LPOs, thereby applying the same percentage license fee proration as is applied to new lawyer admittee license fees, resulting in a 50% reduction in the license fee for the first two full years after admission as a LPO; and
- several possible methods that could be recommended to the BOG for setting LPO license fees, including a two tier approach as described in this memo.

After considering and discussing all of the information provided, the LP Board unanimously endorsed and now recommends that the BOG adopt an Active LPO license fee of \$200 and an Inactive LPO license fee of \$100.

Client Protection Fund Assessment

Also at the LP Board's March 13, 2018 meeting, the LP Board was provided with information and had a discussion about the CPF and assessments paid by lawyers for that fund. The LP Board was advised that the Admission and Practice Rules (APR) already permit gifts from the CPF to clients of LPOs who have been harmed by the dishonest acts of, or failure to properly account for client funds by, LPOs. WSBA staff discussed how the CPF currently awards gifts to clients harmed by lawyers (and potentially LPOs and LLLTs). Even though the APR permit gifts to LPO clients, the LP Board believes that LPOs and their employers are already able and required to provide for financial harm caused by LPOs of the type that would potentially be covered by a CPF gift by virtue of several requirements for LPOs and their employers, as described below

LPOs, for the most part, work for three primary types of employers: independent escrow companies, title insurance companies, and lawyers. An independent escrow company operates with a license issued by the Department of Financial Institutions, which requires the company to have a fidelity bond that will pay out in cases of fraud or theft (RCW 18.44.201). Likewise, a title insurance company licensed to do business in Washington must also have a fidelity bond or fidelity insurance (RCW 48.29.155). Finally, a lawyer licensed to practice law in Washington already pays an assessment to the CPF.

Additionally, although not directly applicable to the types of losses that would be eligible for gifts from the CPF, LPOs are required to prove that they have the ability to respond in damages resulting from their acts or omissions in the performance of LPO services by having Errors and



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Kim Risenmay, Treasurer, and Budget and Audit Committee

April 11, 2018

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Omissions insurance coverage or by submitting audited financial statements indicating specified amounts of net worth. Finally, some LP Board members stated that title companies are also required to have insurance that covers losses to clients if the companies go out of business.

Because they have all of these types of coverages, the LP Board believed that the likelihood of an LPO's client not being able to be made whole under one of these other forms of coverage would be small and would not warrant imposing a CPF assessment on every LPO.

Therefore, the LP Board unanimously recommends that the BOG should recommend to the Supreme Court that it not order LPOs to pay an assessment for the CPF.

Thank you for your consideration.

Sincerely,



Shelley Miner

Chair, Limited Practice Board



**WASHINGTON STATE
BAR ASSOCIATION**
Regulatory Services Department

LLLT Board
Established by Washington Supreme Court APR 28
Administered by the WSBA
Stephen Crossland, Chair

April 12, 2018

Kim Risenmay, Treasurer, and Budget and Audit Committee
Washington State Bar Association
1325 4th Ave Ste 600
Seattle, WA 98101

RE: LLLT License Fees and Client Protection Fund Assessment

Dear Mr. Risenmay and Committee Members:

I write on behalf of the Limited License Legal Technician Board (LLLT Board) regarding Limited License Legal Technician (LLLT) license fees and an assessment on LLLTs for the Client Protection Fund (CPF). The LLLT Board recommends that the Board of Governors:

- 1) adopt a two tier fee structure for WSBA members that has
 - a) Active license fees for lawyers set at one amount (currently \$449),
 - b) Active license fees for LLLTs and Limited Practice Officers [LPOs] (both have licenses to engage in the limited practice law only within defined scopes of practice) set at a different, lower amount, and
 - c) Based on a) and b), an Active LLLT license fee set at \$200 (the same amount as the license fee amount for Emeritus Pro Bono lawyer members, who also have a license to engage in the limited practice of law only within a defined scope of practice) with the Inactive LLLT license fee set at \$100; and
- 2) recommend that the Supreme Court order LLLTs to pay an annual assessment for the CPF in the amount of \$30, for the reasons stated below.

LLLT License Fees

At the LLLT Board's January 18, 2018 meeting, the Board unanimously endorsed and now recommends that the BOG adopt an Active LLLT license fee of \$200 and an Inactive LLLT license fee of \$100.

Client Protection Fund Assessment

Also at the LLLT Board's January 18, 2018 meeting, the LLLT Board discussed whether LLLTs should pay an assessment to the CPF. Although LLLTs currently are not required to pay into the



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April 11, 2018

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fund, CPF funds are available to make gifts to LLLT clients who have been harmed by the dishonest acts of, or failure to properly account for client funds by, LLLTs. The LLLT Board endorsed and now recommends that the BOG should recommend that the Supreme Court order LLLTs to pay an assessment in the amount of \$30 for the CPF.

Thank you for your consideration.

Sincerely,



Stephen Crossland
Chair, LLLT Board



RCW 48.29.155

Agent license—Financial responsibility—Definitions.

(1) At the time of filing an application for a **title insurance** agent license, or any renewal or reinstatement of a title insurance agent license, the applicant shall provide satisfactory evidence to the commissioner of having obtained the following as evidence of financial responsibility:

(a) A fidelity bond or fidelity insurance providing coverage in the aggregate amount of two hundred thousand dollars with a deductible no greater than ten thousand dollars covering the applicant and each corporate officer, partner, escrow officer, and employee of the applicant conducting the business of an escrow agent as defined in RCW 18.44.011 and exempt from licensing under *RCW 18.44.021(6), or a guarantee from a licensed title insurance company as authorized by subsection (5) of this section; and

(b) A surety bond in the amount of ten thousand dollars executed by the applicant as obligor and by a surety company authorized, or eligible under chapter 48.15 RCW, to do a surety business in this state as surety, or some other security approved by the commissioner, unless the fidelity bond or fidelity insurance obtained by the licensee to satisfy the requirement in (a) of this subsection does not have a deductible. The bond shall run to the state of Washington as obligee, and shall run to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its employee's violation of this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the commissioner of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the commissioner. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond is not liable for any penalties imposed on the licensee, including but not limited to any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090.

(2) For the purposes of this section, a "fidelity bond" means a primary commercial blanket bond or its equivalent satisfactory to the commissioner and written by an insurer authorized, or eligible under chapter 48.15 RCW, to transact this line of business in the state of Washington. The bond shall provide fidelity coverage for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners as defined in the bond, acting alone or in collusion with others. The bond shall be for the sole benefit of the title insurance agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party. The bond shall name the title insurance agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the commissioner and to the title insurance agent.

(3) For the purposes of this section, "fidelity insurance" means employee dishonesty insurance or its equivalent satisfactory to the commissioner and written by an insurer authorized, or eligible under chapter 48.15 RCW, to transact this line of business in the state of Washington. The insurance shall provide coverage for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners as defined in the policy of insurance, acting alone or in collusion with others. The insurance shall be for the sole benefit of the title insurance agent and under no circumstances whatsoever shall the insurance company be liable under the insurance to any other party. The insurance shall name the title insurance agent as the named insured and shall protect the named insured against the loss of money or other real or personal property belonging to the named insured, or in which the named insured has a pecuniary interest, or for which the named insured is legally liable or held by the named insured in any capacity, whether the named insured is legally liable therefor or not. The insurance coverage may be canceled by the insurer upon delivery of thirty days' written notice to the commissioner and to the title insurance agent.

(4) The fidelity bond or fidelity insurance, and the surety bond or other form of security approved by the commissioner, shall be kept in full force and effect as a condition precedent to the title insurance agent's authority to transact business in this state, and the title insurance agent shall supply the commissioner with satisfactory evidence thereof upon request.

(5) A title insurance company authorized to do business in Washington under RCW 48.05.030 may provide a guarantee in a form satisfactory to the commissioner accepting financial responsibility, up to the aggregate amount of two hundred thousand dollars, for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners of a title insurance agent that is appointed as the title insurance company's agent. A title insurance company providing a guarantee as permitted under this subsection may only do so on behalf of its properly appointed title insurance agents. If the title insurance agent is an agent for two or more title insurance companies, any liability under the guarantee shall be borne by the title insurance company for those escrows for which a title insurance commitment or policy was issued on behalf of that title insurance company. If no commitment or policy was issued regarding the escrow for which moneys were lost, including but not limited to collection escrows, each title insurance company, for which the agent was appointed at the time of the fraudulent or dishonest act, shares in the liability. The liability will be shared proportionally, as follows: The premium the agent remitted to the title insurance company in the year prior to the fraudulent or dishonest act will be compared to the total premium the agent remitted to all title insurance companies, for whom the title insurance agent was appointed, during the same period.

(6) All title insurance agents licensed on or before July 24, 2005, shall comply with this section within thirty days following July 24, 2005.

[2005 c 115 § 1; 2003 c 202 § 1.]

NOTES:

*Reviser's note: RCW 18.44.021 was amended by 2015 c 229 § 1, changing subsection (6) to subsection (1)(f).

RCW 18.44.201

Financial responsibility—Fidelity bond—Errors and omissions policy—Surety bond.

(1) At the time of filing an application for an **escrow agent** license, or any renewal or reinstatement of an escrow agent license, the applicant shall provide satisfactory evidence to the director of having obtained the following as evidence of financial responsibility:

(a) A fidelity bond providing coverage in the aggregate amount of one million dollars with a deductible no greater than ten thousand dollars covering each corporate officer, partner, escrow officer, and employee of the applicant engaged in escrow transactions;

(b) An errors and omissions policy issued to the escrow agent providing coverage in the minimum aggregate amount of fifty thousand dollars or, alternatively, cash or securities in the principal amount of fifty thousand dollars deposited in an approved depository on condition that they be available for payment of any claim payable under an equivalent errors and omissions policy in that amount and pursuant to rules and regulations adopted by the department for that purpose; and

(c) A surety bond in the amount of ten thousand dollars executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety, unless the fidelity bond obtained by the licensee to satisfy the requirement in (a) of this subsection does not have a deductible. The bond shall run to the state of Washington as obligee, and shall run to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its employee's violation of this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the director. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall not be liable for any penalties imposed on the licensee, including but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090.

(2) For the purposes of this section, a "fidelity bond" shall mean a primary commercial blanket bond or its equivalent satisfactory to the director and written by an insurer authorized to transact this line of business in the state of Washington. Such bond shall provide fidelity coverage for any fraudulent or dishonest acts committed by any one or more of the corporate officers, partners, sole practitioners, escrow officers, and employees of the applicant engaged in escrow transactions acting alone or in collusion with others. This bond shall be for the sole benefit of the escrow agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party unless the corporate officer, partner, or sole practitioner commits a fraudulent or dishonest act, in which case, the bond shall be for the benefit of the harmed consumer. The bond shall name the escrow agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is

legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. An escrow agent's bond must be maintained until all accounts have been reconciled and the escrow trust account balance is zero. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent. In the event that the fidelity bond required under this subsection is not reasonably available, the director may adopt rules to implement a surety bond requirement.

(3) For the purposes of this section, an "errors and omissions policy" shall mean a group or individual insurance policy satisfactory to the director and issued by an insurer authorized to transact insurance business in the state of Washington. Such policy shall provide coverage for unintentional errors and omissions of the escrow agent and its employees, and may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent.

(4) Except as provided in RCW 18.44.221, the fidelity bond, surety bond, and the errors and omissions policy required by this section shall be kept in full force and effect as a condition precedent to the escrow agent's authority to transact escrow business in this state, and the escrow agent shall supply the director with satisfactory evidence thereof upon request.

[2013 c 64 § 4; 2010 c 34 § 7; 1999 c 30 § 5; 1979 c 70 § 1; 1977 ex.s. c 156 § 5; 1971 ex.s. c 245 § 4; 1965 c 153 § 5. Formerly RCW 18.44.050.]

WASHINGTON STATE BAR ASSOCIATION

TO: Budget and Audit Committee

FROM: Jean McElroy, Chief Regulatory Counsel
Renata Garcia, Innovative Licensing Programs Manager

DATE: June 8, 2018

RE: Supplemental Background Information to Clarify Limited Practice Officer License to Practice Law

Limited Practice Officers (LPO) have been licensed to practice law for 34 years. The scope of the LPO license is defined by court rules and case law. During the Committee's discussions earlier this year about limited licenses, there appeared to be some confusion as to whether or not LPOs practice law. Treasurer Risenmay suggested that we provide the Committee with additional information that clarifies why LPOs are licensed and what LPOs are permitted to do that is the practice of law.

Definition of the practice of law

The definition of the practice of law in Washington includes the "selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s)." General Rule (GR) 24(a)(2). The rule governing LPOs uses very similar language and authorizes LPOs "to select, prepare, and complete documents in a form previously approved by the Limited Practice Board for use in closing a loan, extension of credit, sale, or other transfer of real or personal property." Admission and Practice Rule (APR) 12(d). Because the work LPOs are licensed to perform meets the definition of the practice of law, the Washington Supreme Court licenses LPOs to perform these services.

History of the LPO license

Effective January 1, 1983, the Supreme Court adopted APR 12, authorizing certain persons to "select, prepare and complete documents incident to the closing of real estate and personal property transactions." APR 12(a). This action followed an ongoing controversy between some members of the bar and escrow industry representatives regarding the authority to prepare documents for real property transactions.

The disagreement focused on whether the selection, preparation and completion of documents conveying interest in real and personal property constituted the practice of law. In 1978, the Court found that the "selection and completion of form legal documents, or the drafting of such documents, including deeds, mortgages, deeds of trust, promissory notes and agreements

modifying these documents constitutes the practice of law.” Washington State Bar Ass'n v. Great W. Union Fed. Sav. & Loan Ass'n, 91 Wash. 2d 48, 55, 586 P.2d 870, 875 (1978).

In response to the Great Western decision, the Washington Legislature enacted RCW 19.62 in 1979 authorizing certain lay persons, including escrow agents and officers, to perform tasks relating to real estate transactions, including selecting, preparing, and completing documents for real estate closings.

Two years later, the Washington Supreme Court held that the statute was an unconstitutional attempt to regulate the practice of law and a violation of the separation of powers doctrine since “the Supreme Court is given the exclusive power to regulate the practice of law.” Bennion, Van Camp, Hagen & Ruhl v. Kassler Escrow, Inc., 96 Wash. 2d 443, 445, 635 P.2d 730, 731 (1981).

Finally, in 1983, upon recommendation from the WSBA Board of Governors, the Supreme Court adopted APR 12 creating and authorizing LPOs to “select, prepare and complete documents [...] for use by others in, or in anticipation of, closing of a loan, extension of credit, sale, or other transfer of interest in real or personal property.” APR 12(d).

Conclusion

Unlike lawyers, LPOs have a relatively limited and specific role in real and personal property transactions. Even though LPOs generally do not offer their services directly to the public, the LPO license is considered a limited license to practice law under court rules and case law.

ATTACHMENTS:

1. GR 24
2. APR 12
3. Bennion, Van Camp, Hagen & Ruhl v. Kassler Escrow, Inc., 96 Wash. 2d 443, 635 P.2d 730 (1981)

General Rules

GENERAL RULE 24

DEFINITION OF THE PRACTICE OF LAW

(a) General Definition: The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law. This includes but is not limited to:

(1) Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.

(2) Selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s).

(3) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.

(4) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

(b) Exceptions and Exclusions: Whether or not they constitute the practice of law, the following are permitted:

(1) Practicing law authorized by a limited license to practice pursuant to Admission to Practice Rules 8 (special admission for: a particular purpose or action; indigent representation; educational purposes; emeritus membership; house counsel), 9 (legal interns), 12 (limited practice for closing officers), or 14 (limited practice for foreign law consultants).

(2) Serving as a courthouse facilitator pursuant to court rule.

(3) Acting as a lay representative authorized by administrative agencies or tribunals.

(4) Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator.

(5) Participation in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements.

(6) Providing assistance to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so.

(7) Acting as a legislative lobbyist.

(8) Sale of legal forms in any format.

(9) Activities which are preempted by Federal law.

(10) Serving in a neutral capacity as a clerk or court employee providing information to the public pursuant to Supreme Court Order.

(11) Such other activities that the Supreme Court has determined by published opinion do not constitute the unlicensed or unauthorized practice of law or that have been permitted under a regulatory system established by the Supreme Court.

(c) Non-lawyer Assistants: Nothing in this rule shall affect the ability of non-lawyer assistants to act under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct.

(d) General Information: Nothing in this rule shall affect the ability of a person or entity to provide

information of a general nature about the law and legal procedures to members of the public.

(e) Governmental agencies: Nothing in this rule shall affect the ability of a governmental agency to carry out responsibilities provided by law.

(f) Professional Standards: Nothing in this rule shall be taken to define or affect standards for civil liability or professional responsibility.

[Adopted effective September 1, 2001;
amended effective April 30, 2002.]

Admission and Practice Rules

APR 12

LIMITED PRACTICE RULE FOR LIMITED PRACTICE OFFICERS

(a) Purpose. The purpose of this rule is to authorize certain persons to select, prepare and complete legal documents incident to the closing of real estate and personal property transactions and to prescribe the conditions of and limitations upon such activities.

(b) Limited Practice Board.

(1) Composition. The Limited Practice Board (referred to herein as the "LP Board") shall consist of nine members appointed by the Supreme Court. Not less than four of the members of the LP Board must be lawyers admitted to the practice of law in the State of Washington. Four members of the LP Board must be business representatives, one each of the following four industries: escrow, lending, title insurance, and real estate. Appointments shall be for 3-year staggered terms. No member of the LP Board may serve more than two consecutive terms. Terms shall end on September 30 of the applicable year. The Supreme Court shall designate one of the members of the LP Board as chairperson.

(2) Duties and Powers.

(A) LPO Examination. The LP Board shall work with the Bar and others as necessary to create, maintain, and grade an LPO examination for admission to practice law under this rule. The examination shall consist of such questions as the LP Board may select on such subjects as may be listed by the Board and approved by the Supreme Court.

(B) Grievances and discipline. The LP Board's involvement in the investigation, hearing and appeal procedures for handling complaints of persons aggrieved by the failure of limited practice officers to comply with the requirements of this rule and of the Limited Practice Officer Rules of Professional Conduct shall be as established in the Rules for Enforcement of Limited Practice Officer Conduct (ELPOC).

(C) Approval of Forms. The LP Board shall approve standard forms for use by limited practice officers in the performance of legal services authorized by this rule.

(D) Rules. The LP Board shall propose to the Supreme Court amendments to these rules as may appear necessary to implement and carry out the provisions of this rule.

(3) Expenses of the Board. Members of the LP Board shall not be compensated for their services. For their actual reasonable and necessary expenses incurred in the performance of their duties, they shall be reimbursed according to the Bar's expense policies.

(4) Administration. The administrative support to the LP Board shall be provided by the Bar. All notices and filings required by these rules, including applications for admission as a Limited Practice Officer, shall be sent to the headquarters of the Bar.

(c) [Reserved.]

(d) Scope of Practice Authorized by Limited Practice Rule. Notwithstanding any provision of any other rule to the contrary, a person licensed as a limited practice officer under this rule may select, prepare, and complete documents in a form previously approved by the LP Board for use by others in, or in anticipation of, closing a loan, extension of credit, sale, or other transfer of interest in real or personal property. Such documents shall be limited to deeds, promissory notes, guaranties, deeds of trust, reconveyances, mortgages, satisfactions, security agreements, releases, Uniform Commercial Code documents, assignments, contracts, real estate excise tax affidavits, bills of sale, and powers of attorney. Other documents may be from time to time approved by the LP Board.

(e) Conditions Under Which Limited Practice Officers May Prepare and Complete Documents. Limited practice officers may render services authorized by this rule only under the following conditions and with the following limitations:

(1) Agreement of the Clients. Prior to the performance of the services, all clients to the transaction shall have agreed in writing to the basic terms and conditions of the transaction. In the case of a power of attorney prepared in anticipation of a transaction, the principal(s) and attorney(s)-in-fact shall have provided the limited practice officer consistent written instructions for preparation of the power of attorney.

(2) Disclosures to the Clients. The limited practice officer shall advise the clients of the limitations of the services rendered pursuant to this rule and shall further advise them in writing:

(A) that the limited practice officer is not acting as the advocate or representative of either of the clients;

(B) that the documents prepared by the limited practice officer will affect the legal rights of the clients;

(C) that the clients' interests in the documents may differ;

(D) that the clients have a right to be represented by lawyers of their own selection; and

(E) that the limited practice officer cannot give legal advice as to the manner in which the documents affect the clients.

The written disclosure must particularly identify the documents selected, prepared, and/or completed by the limited practice officer and must include the name, signature, and number of the limited practice officer.

(f) Continuing License Requirements.

(1) Continuing Education. Each active limited practice officer must complete a minimum number of credit hours of continuing education, as prescribed by APR 11.

(2) Financial Responsibility. Each active limited practice officer shall submit to the LP Board proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 12 in one of the following described manners.

A. Submit an individual policy for Errors and Omissions insurance in the amount of at least \$100,000;

B. Submit an Errors and Omissions policy of the employer or the parent company of the employer who has agreed to provide coverage for the LPO's ability to respond in damages in the amount of at least \$100,000;

C. Submit the LPO's audited financial statement showing the LPO's net worth to be at least \$200,000;

D. Submit an audited financial statement of the employer or other surety who agrees to respond in damages for the LPO, indicating net worth of \$200,000 per each limited practice officer employee up to and including five, and an additional \$100,000 per each limited practice officer employee over five, who may be subject to the jurisdiction of the Limited Practice Board; or

E. Submit proof of indemnification by the limited practice officer's government employer.

Each active LPO shall certify annually continued financial responsibility in the form and manner as prescribed by the Bar. Each LPO shall notify the Bar of any cancellation or lapse in coverage. When an LPO is demonstrating financial responsibility by (1) an endorsement on the employer's Errors and Omissions insurance policy or (2) submission on the employer's audited financial statement accompanied by the Certificate of Financial Responsibility, the Bar shall notify the employer when the LPO's status changes from Active to another status or when the LPO is no longer admitted to practice.

(3) License Fees and Assessments. Each limited practice officer must pay the annual license fee established by the Board of Governors, subject to review by the Supreme Court, and any mandatory assessments as ordered by the Supreme Court. Provisions in the Bar's Bylaws regarding procedures for assessing and collecting lawyer license fees and late fees, and regarding deadline, rebates, apportionment, fee reductions, and exemption, and other issues relating to fees and assessments, shall also apply to LPO license fees and late fees. Failure to pay may result in suspension from practice pursuant to APR 17.

(4) Trust Account. Each active limited practice officer shall certify annually compliance with rules 1.12A and 1.12B of the LPO Rules of Professional Conduct. Such certification shall be filed in the form and manner as prescribed by the Bar and shall include the bank where each account is held and the account number. Failure to certify may result in suspension from practice pursuant to APR 17.

(g) Existing Law Unchanged. This rule shall in no way expand, narrow, or affect existing law in the following areas:

(1) The fiduciary relationship between a limited practice officer and his or her customers or clients;

(2) Conflicts of interest that may arise between the limited practice officer and a client or customer;

(3) The right to act as one's own attorney under the pro se exception to the unauthorized practice of law including but not limited to the right of a lender to prepare documents conveying or granting title to property in which it is taking a security interest;

(4) The lack of authority of a limited practice officer to give legal advice without being licensed to practice law;

(5) The standard of care which a limited practice officer must practice

when carrying out the functions permitted by this rule.

(h) Treatment of Funds Received Incident to the Closing of Real or Personal Property Transactions. Persons admitted to practice under this rule shall comply with LPORPC 1.12A and B regarding the manner in which they identify, maintain, and disburse funds received incidental to the closing of real and personal property transactions, unless they are acting pursuant to APR 12(g)(3).

(i) Confidentiality and Public Records.

(1) GR 12.4 shall apply to access to LP Board records.

(j) Inactive Status. An LPO may request transfer to inactive status after being admitted. An LPO on inactive status is required to pay an annual license fee as established by the Board of Governors and approved by the Supreme Court. An LPO on inactive status is not required to meet the financial responsibility requirements or the MCLE requirements.

(k) Reinstatement to Active Status. An LPO on inactive status or suspended from practice may return to active status by filing an application and complying with the procedures set forth for lawyer members of the Bar in the Bar's Bylaws.

(l) Voluntary Resignation. Any LPO may request to voluntarily resign the LPO license by notifying the Bar in such form and manner as the Bar may prescribe. If there is a disciplinary investigation or proceeding then pending against the LPO, or if the LPO has knowledge that the filing of a grievance of substance against such LPO is imminent, resignation is permitted only under the provisions of the applicable disciplinary rules. An LPO who resigns the LPO license cannot practice law in Washington in any manner, unless they are licensed or authorized to do so by the Supreme Court.

COMMENT

[1] Comment re APR 12(d)

Powers of attorney authorizing a person to negotiate and sign documents in anticipation of, or in the closing of, a transaction are included in the documents limited practice officers are authorized to prepare. Such documents may include, but are not limited to, purchase and sale agreements for real or personal property, loan agreements, and letters of intent.

[2] Comment re LPO Professional Standard Of Care

The purpose of this comment is to discuss the legal standard of care to which a limited practice officer is subject, while also clarifying the limited duties of a limited practice officer compared to an attorney when selecting and preparing legal documents and to show the greater breadth of a lawyer's duties and services which a party may not expect when engaging a limited practice officer.

Generally, when anyone selects and prepares a legal document for another, they (including licensed limited practice officers) will be held to the standard of a lawyer: "to comply with the duty of care, an attorney must exercise the degree of care, skill, diligence, and knowledge commonly possessed and exercised by a reasonable, careful, and prudent lawyer in the practice of law in this jurisdiction" *Hizey v. Carpenter*, 119 Wn.2d 251, 261, 830 P.2d 246 (1992). However, when selecting and preparing approved forms a limited practice officer, though having a limited license to practice law as defined and limited in APR 12, will not be authorized or charged with many of the duties of a lawyer. Except as provided otherwise in APR 12 rules and regulations, these include the duty to investigate legal matters, to form legal opinions (including but not limited to the capacity of an individual to sign for an entity or whether a legal document is effective), to give legal advice (including advice on how a legal document affects the rights or duties of a party), or to consult with a party on the advisability of a transaction. See also LPORPC 1.1, Competence, and LPORPC 1.3, Communication.

APR 12 APPENDIX. [RESERVED.]

[Adopted effective January 21, 1983; amended effective October 28, 1983; September 13, 1985; December 9, 1995; July 1, 2002; January 1, 2009; March 1, 2016; September 1, 2017.]

Bennion, Van Camp, Hagen & Ruhl v. Kassler Escrow, Inc., 96 Wash.2d 443 (1981)
635 P.2d 730

KeyCite Yellow Flag - Negative Treatment
Distinguished by In re Estate of Knowles, Wash.App. Div. 2, October 3, 2006

96 Wash.2d 443

Supreme Court of Washington, En Banc.

BENNION, VAN CAMP, HAGEN & RUHL, a
partnership, Respondents,

v.

KASSLER ESCROW, INC., a Colorado
Corporation, Petitioner,

and

Elenor Enzler and Leann Rainwater, Defendants.*

No. 47383-8.

|

Nov. 5, 1981.

Synopsis

Suit was instituted by a law firm for declaratory and injunctive relief against the alleged unauthorized practice of law by a registered escrow agent. The Superior Court, Spokane, Thomas E. Merryman, J., granted a partial summary judgment to law firm, and escrow agent appealed. The Supreme Court, Dimmick, J., held that statute authorizing escrow agents and officers involved with real estate transactions to "select, prepare, and complete documents and instruments" that affect legal rights virtually gives free rein to almost anyone of any degree of intelligence to perform any task related to real property or personal property transactions and, as such, authorizes the practice of law by lay persons in violation of the constitutional provision vesting the Supreme Court with the exclusive power to regulate the practice of law.

Affirmed and remanded.

West Headnotes (7)

- III **Attorney and Client**
⇒What Constitutes Practice of Law; Prohibited and Permitted Acts
Attorney and Client
⇒Drafting or preparation of documents in general

The "practice of law" includes the doing or

performing of services in the courts of justice as well as the giving of legal advice and counsel and the preparation of legal instruments by which legal rights and obligations are established. West's RCWA Const.Art. 4, § 1.

8 Cases that cite this headnote

- 121 **Attorney and Client**
⇒Constitutional and statutory provisions

Statute authorizing escrow agents and officers involved with real estate transactions to "select, prepare, and complete documents and instruments" that affect legal rights virtually gives free rein to almost anyone of any degree of intelligence to perform any task related to real property or personal property transactions and, as such, authorizes the practice of law by lay persons in violation of the constitutional provision vesting the Supreme Court with the exclusive power to regulate the practice of law. West's RCWA 2.48.170-2.48.190, 19.62.010, 19.62.010(2); West's RCWA Const.Art. 4, § 1.

14 Cases that cite this headnote

- 121 **Attorney and Client**
⇒Real estate; mortgages and liens; title insurance

The definition of the "practice of law" should be applied to actions of escrow agents and officers in selecting, preparing and completing documents and instruments in connection with real estate transactions. West's RCWA 2.48.170-2.48.190, 19.62.010, 19.62.010(2); West's RCWA Const.Art. 4, § 1.

2 Cases that cite this headnote

- 141 **Attorney and Client**

Real estate; mortgages and liens; title insurance

Actions of escrow agents and officers in selecting, preparing, and completing documents and instruments with respect to real estate transactions do not fall within "pro se" exception to prohibition against lay persons practicing law. West's RCWA 2.48.170-2.48.190, 19.62.010, 19.62.010(2); West's RCWA Const.Art. 4, § 1.

8 Cases that cite this headnote

[5] **Attorney and Client**
Jurisdiction to admit

The regulation of the practice of law is within the sole province of the judiciary. West's RCWA Const.Art. 4, § 1.

2 Cases that cite this headnote

[6] **Constitutional Law**
Practice of law

Since the regulation of the practice of law is within the sole province of the judiciary, encroachment by the legislature may be held by the Supreme Court to violate the separation of powers doctrine. West's RCWA Const.Art. 4, § 1.

8 Cases that cite this headnote

[7] **Constitutional Law**
Practice of law
Constitutional Law
Encroachment on Judiciary

The judiciary will protect against any improper encroachment on the power to regulate the practice of law by the legislative or executive

branches. West's RCWA Const.Art. 4, § 1.

4 Cases that cite this headnote

Attorneys and Law Firms

*444 **731 Jones, Grey & Bayley, Charles F. Vulliet, Charles Thulin, Deborah A. Elvin, Seattle, for petitioner.

Reed, Otterstrom & Giesa, P. S., John P. Giesa, D. *445 Roger Reed, Spokane, for respondents.

Opinion

DIMMICK, Justice.

Is RCW 19.62 authorizing escrow agents and other lay persons to perform certain actions with regard to real estate or personal property transactions constitutional? We hold, affirming the trial court, that the legislative action violates Const. art. 4, s 1 inasmuch as therein, the Supreme Court is given the exclusive power to regulate the practice of law.

Defendant petitioner is a registered escrow agent under the Escrow Agent Registration Act, RCW 18.44, and employs licensed escrow officers for closing real estate transactions. Petitioner closed several real estate transactions and in the process prepared documents and performed other services. Two of these transactions involved earnest money agreements specifying that the place of closing was to be the office of the plaintiff/respondent, a law firm. Respondent brought suit alleging that the escrow company had engaged in the unauthorized practice of law in violation of RCW 2.48.170, .180 and .190. Respondent sought a permanent injunction enjoining petitioner from performing any acts constituting the practice of law.

**732 Subsequent to the filing of the action, the legislature enacted RCW 19.62 authorizing certain lay persons to perform tasks relating to real estate transactions. Specifically, the act allows escrow agents and officers to

select, prepare, and complete documents and instruments relating to such loan, forbearance, or extension of credit, sale, or other

transfer of real or personal property, limited to deeds, promissory notes, deeds of trusts, mortgages, security agreements, assignments, releases, satisfactions, reconveyances, contracts for sale or purchase of real or personal property, and bills of sale ...

RCW 19.62.010(2).¹

***446** Petitioner, in reliance upon the statute, moved to dismiss the action for injunctive relief, which motion was denied by the trial court. Respondent moved for, and the trial court granted, a partial summary judgment declaring RCW 19.62 unconstitutional.

The line between those activities included within the definition of the practice of law and those that are not is oftentimes difficult to define. Recently, in *Washington State Bar Ass'n v. Great W. Union Fed. Sav. & Loan Ass'n*, 91 Wash.2d 48, 586 P.2d 870 (1978), we concluded that preparation of legal instruments and contracts that create legal rights is the practice of law.

The "practice of law" does not lend itself easily to precise definition. However, it is generally acknowledged to include not only the doing or performing of services in the courts of justice, throughout the various stages thereof, but in a larger sense includes legal advice and counsel and the preparation of legal instruments by which legal rights and obligations are established. Further, ***447** selection and completion of preprinted form legal documents has been found to be the "practice of law."

The services at issue here are ordinarily performed by licensed attorneys, involve legal rights and obligations, and by their very nature involve the practice of law. We thus must agree with the trial court's conclusion that the selection and completion of form legal documents, or the drafting of such documents, including deeds, mortgages, deeds of trust, promissory notes and agreements modifying these documents constitutes the practice of law.

(Citations omitted.) *Great Western*, at 54-55, 586 P.2d 870.

****733** ¹¹¹ ¹²¹ The statute in question is a direct response to our holding. We reaffirm that definition. RCW 19.62 authorizes a lay person involved with real estate transactions to "select, prepare, and complete documents and instruments" that affect legal rights. As such the statute allows the practice of law by lay persons.

Petitioner requests this court to redefine the practice of law so that the conduct allowed by the statute does not constitute the practice of law. Petitioner asserts that there is a trend allowing lay persons to perform certain services such as those authorized by RCW 19.62 and our holding RCW 19.62 unconstitutional would not protect the public in any way. We disagree.

It is the duty of the court "to protect the public from the activity of those who, because of lack of professional skills, may cause injury whether they are members of the bar or persons never qualified for or admitted to the bar." *Great Western*, at 60, 586 P.2d 870. Even the simplest of conveyances may involve issues of taxation, estate planning, future interests, water rights, equitable conversion, covenants, equitable servitudes, easements, statute of frauds and contract law. As stated in *Washington State Bar Ass'n v. Washington Ass'n of Realtors*, 41 Wash.2d 697, 712, 251 P.2d 619 (1952) (Donworth, J., concurring), "there is no such thing as a simple legal instrument in the hands of a layman." Even escrow agents who may be well trained in certain aspects of conveyancing could face complexities that are beyond the scope of that escrow agent's knowledge. Additionally, the agent could fail to identify and address obscure issues.

***448** A dangerous flaw of RCW 19.62 lies in the fact that it virtually gives free rein to almost anyone of any degree of intelligence to perform any task related to real property or personal property transactions. Arguably, any employee of banks, trust companies, bank holding companies, savings and loans, credit unions, insurance companies, or any federally approved agencies or lending institutions under the National Housing Act, as well as escrow agents and officers, may select, complete and prepare a host of documents in connection with any loan, closing, sale or transfer of any real or personal property.

Petitioner cites cases in Minnesota, Georgia, Wisconsin and Rhode Island as an indication of a trend upholding legislation similar to RCW 19.62.¹ Our reading of those cases, however, does not lead us to that conclusion. Petitioner's discussion of the cases does not address the distinctions in the constitutions of the various states. In addition, the statutes enacted in those states were limited in their application. No jurisdiction has upheld a statute as broad as RCW 19.62 authorizing the wholesale practice of law by a large group of lay persons.

¹¹¹ Alternately, petitioner contends that the definition of the practice of law, as it now exists, should not be applied by this court to escrow agents. This assertion is based upon the fact that escrow agents must comply with state licensing requirements (RCW 18.44.010 et seq.) and with

warning provisions notifying parties to seek legal advice if desired. RCW 19.62.010(2)(b). This argument focuses on who is performing the services rather than the nature and character of the services. This is clearly counter to prior case law. *Great Western*, 91 Wash.2d at 54, 586 P.2d 870; *Washington Ass'n of Realtors*, 41 Wash.2d at 699, 251 P.2d 619. In addition, if the agent is practicing law, a license and warning does not satisfy RCW 2.48.170, *449, 180, and 190.¹ Such agent is not held to the **734 high standards of conduct and competence required of an attorney. See Code of Professional Responsibility, EC 3-3⁴—even though the statute attempts to require a similar standard.⁵ *450 The statute fails to consider who is to determine whether such agents and employees of banks, etc., are possessed of the requisite skill, competence and ethics. Only the Supreme Court has the power to make that determination through a bar examination, yearly Continuing Legal Education requirements, and the Code of Professional Responsibility. The public is also protected against unethical attorneys by a client's security fund maintained by the Washington State Bar Association.

Petitioner further contends that even if the court finds that the activities authorized by RCW 19.62 are the practice of law, the services rendered are within an exception to the general prohibition against lay persons practicing law. We have recognized this exception when a party to a legal document selects, prepares or drafts the document or represents himself in court proceedings. Both of these exceptions are based upon a

belief that a layperson may desire to act on his own behalf with respect to his legal rights and obligations without the benefit of counsel.

The "pro se" exceptions are quite limited and apply only if the layperson is acting solely on his own behalf.

Great Western, 91 Wash.2d at 57, 586 P.2d 870. See also Code of Professional Responsibility EC 3-5.⁶ The *451 instant statute also **735 attempts to establish this exception by specific language. RCW 19.62.010(2)(a), (b).

¹⁴¹ Petitioner asserts that it falls within this "pro se" exception because as escrow agent it was a party to the documents and it charged no additional fees for the service. The interest of an escrow agent in the real estate transaction is not substantial enough to allow the services performed by it to fall within the exception. See *State Bar of Arizona v. Arizona Land Title and Trust Co.*, 90 Ariz. 76, 366 P.2d 1 (1961); *Oregon State Bar v. Security Escrows, Inc.*, 233 Or. 80, 377 P.2d 334 (1962). The petitioner in performing the services authorized by the

statute was not acting solely on its own behalf. Simply stating the proposition does not make it accurate. Petitioner may have had a substantial interest in insuring the documents were correct but it did not have a substantial interest in the transaction itself. Petitioner relies heavily upon the fact that no additional charges were made for the services. Petitioner relies on the holding in *Great Western* to support this aspect of its argument. Such reliance is misplaced. *Great Western* did charge a fee so the court expressly limited its holding in the case to a situation where a fee is charged. The fact of compensation is irrelevant, however, except as to provide evidence of the fact that a lay person is acting for another. *Great Western*, 91 Wash.2d at 57, 586 P.2d 870. We have clearly held that it is the nature and character of the service rendered rather than the fact of compensation for it that governs. *Washington Ass'n of Realtors*, 41 Wash.2d at 699, 251 P.2d 619. Realistically, since these businesses are profit-making ventures, compensation is inherent.

Petitioner's activities and those activities authorized by RCW 19.62 constitute the practice of law and do not come within any exception. Inasmuch as RCW 19.62 authorizes lay persons to perform services we have defined as the *452 practice of law, it must fall. The statutory attempt to authorize the practice of law by lay persons is an unconstitutional exercise of legislative power in violation of the separation of powers doctrine.

Const. art. 4, s 1 provides in pertinent part: "judicial power of the state shall be vested in a supreme court ..." An essential concomitant to express grants of power is the inherent powers of each branch. See generally *In re Juvenile Director*, 87 Wash.2d 232, 552 P.2d 163 (1976). Inherent power is that

authority not expressly provided for in the constitution but which is derived from the creation of a separate branch of government and which may be exercised by the branch to protect itself in the performance of its constitutional duties.

In re Juvenile Director, at 245, 552 P.2d 163.

¹⁵¹ It is a well established principle that one of the inherent powers of the judiciary is the power to regulate the practice of law. *In re Bruen*, 102 Wash. 472, 172 P. 1152 (1918). See also *Graham v. Washington State Bar Ass'n*, 86 Wash.2d 624, 548 P.2d 310 (1976); *State v. Cook*, 84 Wash.2d 342, 525 P.2d 761 (1974);

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Wash.2d 604, 497 P.2d 153 (1972); State ex rel. Laughlin v. Washington State Bar Ass'n, 26 Wash.2d 914, 176 P.2d 301 (1947); In re Levy, 23 Wash.2d 607, 161 P.2d 651, 162 A.L.R. 805 (1945). Other jurisdictions are in accord. See, e. g., In re Kaufman, 69 Idaho 297, 302-03, 206 P.2d 528 (1949); Public Serv. Comm'n v. Hahn Transp., Inc., 253 Md. 571, 253 A.2d 845 (1969); In re Patton, 86 N.M. 52, 54, 519 P.2d 288 (1974); State ex rel. State Bar v. Bonded Collections, Inc., 36 Wis.2d 643, 649, 154 N.W.2d 250 (1967). The court's powers include the power to admit one to the practice of law and this necessarily encompasses the power to determine qualifications and standards.

The court, in Graham, citing to Sharood v. Hatfield, 296 Minn. 416, 210 N.W.2d 275 (1973), held that the

*453 regulation of the practice of law and "the power to make the necessary rules **736 and regulations governing the bar was intended to be vested exclusively in the supreme court, free from the dangers of encroachment either by the legislative or executive branches."

86 Wash.2d at 633, 548 P.2d 310. "The unlawful practice of law by laymen is a judicial matter addressed solely to the courts." Washington Ass'n of Realtors, 41 Wash.2d at 707, 251 P.2d 619.

¹⁶¹ Since the regulation of the practice of law is within the sole province of the judiciary, encroachment by the legislature may be held by this court to violate the separation of powers doctrine. The separation of powers doctrine is a fundamental principle of the American political system. For a historical discussion of the doctrine and its importance, see In re Juvenile Director, 87 Wash.2d at 238-43, 552 P.2d 163. We have previously held:

The legislative, executive, and judicial functions have been carefully separated and, notwithstanding the opinions of a

certain class of our society to the contrary, the courts have ever been alert and resolute to keep these functions properly separated. To this is assuredly due the steady equilibrium of our triune governmental system. The courts are jealous of their own prerogatives and, at the same time, studiously careful and sedulously determined that neither the executive nor legislative department shall usurp the powers of the other, or of the courts.

In re Bruen, 102 Wash. at 478, 172 P. 1152.

¹⁷¹ Thus, the power to regulate the practice of law is solely within the province of the judiciary and this court will protect against any improper encroachment on such power by the legislative or executive branches. In passing RCW 19.62, allowing lay persons to practice law, the legislature impermissibly usurped the court's power. Accordingly, RCW 19.62 is unconstitutional as a violation of the separation of powers doctrine.

We affirm the trial court's summary judgment on the constitutional issue as well as that court's refusal to dismiss *454 the request for injunctive relief. The cause is hereby remanded for trial.

BRACHTENBACH, C. J., and ROSELLINI, STAFFORD, UTTER, DOLLIVER, WILLIAMS, DORE and HICKS, JJ., concur.

All Citations

96 Wash.2d 443, 635 P.2d 730

Footnotes

* State Report Title: Hagen & Van Camp, P.S. v. Kassler Escrow, Inc.

¹ RCW 19.62.010 reads in full:

"The following individuals, firms, associations, partnerships, or corporations:

"(1) Any person or entity doing business under the laws of this state or the United States relating to banks, trust companies, bank holding companies and their affiliates, mutual savings banks, savings and loan associations, credit unions, insurance companies, title insurance companies and their duly authorized agents exclusively engaged in the title insurance business, federally approved agencies or lending institutions under the National Housing Act; or

"(2) Any escrow agent or escrow officer subject to the jurisdiction of the department of licensing; when acting in such

capacity in connection with a loan, forbearance, or other extension of credit, or closing, or insuring title with respect to any loan, forbearance, or extension of credit or sale or other transfer of real or personal property, may select, prepare, and complete documents and instruments relating to such loan, forbearance, or extension of credit, sale, or other transfer of real or personal property, limited to deeds, promissory notes, deeds of trusts, mortgages, security agreements, assignments, releases, satisfactions, reconveyances, contracts for sale or purchase of real or personal property, and bills of sale, provided:

"(a) No such person or entity makes an additional charge for the selection, preparation, or completion of any such document or instrument;

"(b) All parties to the transaction are given written notice substantially as follows: IN CONNECTION WITH THE ... (describe the transaction) ... (name of person or entity) ... SELECTS, PREPARES, AND COMPLETES CERTAIN INSTRUMENTS OR DOCUMENTS WHICH MAY SUBSTANTIALLY AFFECT YOUR LEGAL RIGHTS, BUT IS DOING SO FOR ITS OWN BENEFIT AND TO PROTECT ITS OWN INTEREST IN THIS TRANSACTION. IF YOU HAVE ANY QUESTION REGARDING SUCH DOCUMENTS OR INSTRUMENTS OR YOUR RIGHTS, YOU SHOULD CONSULT AN ATTORNEY OF YOUR CHOICE; and

"(c) No attorney or other agent had previously been designated in writing by a party to such documents or instruments to select and prepare the same."

- 2 The cases petitioner cites are: Georgia Bar Ass'n v. Lawyers Title Ins. Corp., 222 Ga. 657, 151 S.E.2d 718 (1966); Cowern v. Nelson, 207 Minn. 642, 290 N.W. 795 (1940); Creditors' Service Corp. v. Cummings, 57 R.I. 291, 190 A. 2 (1937); State ex rel. Reynolds v. Dinger, 14 Wis.2d 193, 109 N.W.2d 685 (1961).

- 3 RCW 2.48.170 provides:

"No person shall practice law in this state subsequent to the first meeting of the state bar unless he shall be an active member thereof as hereinbefore defined: Provided, That a member of the bar in good standing in any other state or jurisdiction shall be entitled to appear in the courts of this state under such rules as the board of governors may prescribe."

RCW 2.48.180 provides:

"Any person who, not being an active member of the state bar, or who after he has been disbarred or while suspended from membership in the state bar, as by this chapter provided, shall practice law, or hold himself out as entitled to practice law, shall be guilty of a misdemeanor: Provided, however, Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive relief or to punish as for contempt."

RCW 2.48.190 provides:

"No person shall be permitted to practice as an attorney or counselor at law or to do work of a legal nature for compensation, or to represent himself as an attorney or counselor at law or qualified to do work of a legal nature, unless he is a citizen of the United States and a bona fide resident of this state and has been admitted to practice law in this state: Provided, That any person may appear and conduct his own case in any action or proceeding brought by or against him, or may appear in his own behalf in the small claims department of the justice's court: And provided further, That an attorney of another state may appear as counselor in a court of this state without admission, upon satisfying the court that his state grants the same right to attorneys of this state."

- 4 Ethical Consideration 3-3 provides:

"A non-lawyer who undertakes to handle legal matters is not governed as to integrity or legal competence by the same rules that govern the conduct of a lawyer. A lawyer is not only subject to that regulation but also is committed to high standards of ethical conduct. The public interest is best served in legal matters by a regulated profession committed to such standards. The Disciplinary Rules protect the public in that they prohibit a lawyer from seeking employment by improper overtures, from acting in cases of divided loyalties, and from submitting to the control of others in the exercise of his judgment. Moreover, a person who entrusts legal matters to a lawyer is protected by the attorney-client privilege and by the duty of the lawyer to hold inviolate the confidences and secrets of his client."

- 5 RCW 19.62.020 reads in full:

"Notwithstanding any provision of RCW 19.62.010, in the event any individual, firm, association, partnership, or corporation described in RCW 19.62.010 selects, prepares, or completes any document or instrument in connection with a transaction described in RCW 19.62.010, such

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individual, firm, association, partnership, or corporation shall be held to a standard of care equivalent to that of an attorney had such attorney selected, prepared, or completed any such instrument or document."

6 Ethical Consideration 3-5 provides:

"It is neither necessary nor desirable to attempt the formulation of a single, specific definition of what constitutes the practice of law. Functionally, the practice of law relates to the rendition of services for others that call for the professional judgment of a lawyer. The essence of the professional judgment of the lawyer is his educated ability to relate the general body and philosophy of law to a specific legal problem of a client; and thus, the public interest will be better served if only lawyers are permitted to act in matters involving professional judgment. Where this professional judgment is not involved, non-lawyers, such as court clerks, police officers, abstracters, and many governmental employees, may engage in occupations that require a special knowledge of law in certain areas. But the services of a lawyer are essential in the public interest whenever the exercise of professional legal judgment is required."

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ATTACHMENT C

WASHINGTON STATE BAR ASSOCIATION

TO: Budget and Audit Committee
FROM: Renata Garcia, Innovative Licensing Programs Manager
Jean McElroy, Chief Regulatory Counsel
DATE: June 8, 2018
RE: APR 6 Law Clerk Program Annual Fee

ACTION REQUESTED: Recommend to the Board of Governors (BOG) that the Admission and Practice Rule (APR) 6 Law Clerk program annual fee be increased from \$1,500 to \$2,000.
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Background

The Admission and Practice Rule (APR) 6 Law Clerk program is a longstanding program that provides a unique and affordable alternative to law school. Despite substantial increases in law school tuition, the Law Clerk program annual fee has remained steady at \$1,500 for the past 20 years, which puts the program at a risk of no longer being self-sufficient.

Under APR 6 (d)(1), each enrolled APR 6 Law Clerk must pay an annual fee as set by the Board of Governors (BOG). This fee is intended to cover the costs of administering and staffing the program and Board, as well as cover the costs of updates and improvements to the support and services provided by WSBA for enrolled APR 6 Law Clerks and their tutors. The APR 6 Law Clerk program annual fee is paid on the calendar year and must be received by WSBA by January 31.

The APR 6 Law Clerk program annual fee was last reviewed in 1997. At that time, the program had 41 enrolled Law Clerks and its revenue was not offsetting the direct and indirect expenses. The fee was raised in 1998 from \$500/year to \$1,500/year, effective FY 1999. The increase allowed for the program generally to be revenue neutral until now. Today, with over 80 currently enrolled participants, the program has doubled in size. As of the end of March 2018, the program's budgeted revenue for fiscal year 2018 is \$112,000 and the expenses are budgeted at \$116,028, resulting in a projected operational loss of \$4,028.

To effect any changes to the APR 6 Law Clerk program annual fee and provide notice to those who are or wish to be enrolled in the program for the 2019 calendar year, it would be helpful for the Budget and Audit Committee to make its recommendation as soon as possible. This timing will allow the BOG to similarly review the fees as soon as possible in time for the fees to be incorporated into the 2019 calendar year process if approved.

Discussion with the Law Clerk Board

The Law Clerk Board discussed the potential annual fee increase at its May 4, 2018 meeting and approved recommending that the BOG increase the annual fee to \$2,000. The Law Clerk Board also recommended giving participants proper notice of the increase, which they considered to be a minimum of three months.

Budget Impact

Based on the number of enrolled APR 6 Law Clerks, the annual fee increase would result in increased revenue of \$40,500. See table below. This table does not take into account any anticipated increase or decrease in the number of law clerks for 2019.

2018 Law Clerk Participants	Current Annual Fee		Proposed Annual Fee		Revenue Increase
	Fee	Revenue	Fee	Revenue	
81	\$1,500	\$121,500	\$2,000	\$162,000	\$40,500

MEMORANDUM

TO: WSBA President, President-Elect, and Board of Governors

FROM: J. Donald Curran, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison

SUBJECT: Recommendation to Revise and Adopt RPC Comments in Response to
Development in Federal Enforcement Priorities Regarding Marijuana

DATE: July 9, 2018

ACTION REQUESTED: Approve (1) revision of Washington-specific Comment 18 to RPC 1.2 and (2) adoption of Washington-specific Comment 8 to RPC 8.4. *See Attachment 1.*

Executive Summary

In 2014 Washington adopted Comment [18] to RPC 1.2 in response to the passage of Initiative 502. Washington became the fifth state in the nation to allow¹ its lawyers to assist clients in complying with state marijuana laws even if their clients' activity would violate federal law.

In recommending Comment [18] to address a novel ethical issue in highly unusual circumstances, the Committee on Professional Ethics (CPE) based its rationale in significant part on federal enforcement priorities specific to marijuana that had been articulated by the U.S. Department of Justice (DOJ). Comment [18] reflected that reliance by inclusion of the phrase "At least until there is a change in federal enforcement policy . . ."

The CPE revisited Comment [18] initially at its February 9, 2018 meeting in light of the DOJ's rescission of its nationwide guidance regarding enforcement of federal law in relation to activity involving marijuana. Subsequent correspondence to the Washington State Bar Association dated March 22, 2018 from Justice Charles Johnson on behalf of the Supreme Court Rules Committee underscored the directive to review and advise on the ethical implications of Comment [18].

After deep analysis, comparative jurisdiction research and robust discussions, the CPE recommends deleting the reference to federal enforcement priorities, consistent with the majority of states that have considered this issue. The CPE believes the public will be benefited, not jeopardized, by continuing to allow Washington lawyers to assist those participating in the marijuana industry in their efforts to comply with state law.

Discussion

¹ In this memo, a statement that a jurisdiction "allows" or "permits" its lawyers to assist clients in complying with marijuana laws means that one of the following actions occurred to express the view that such conduct did not violate RPC 1.2: amendment of RPC 1.2, adoption of a comment to RPC 1.2, issuance of a formal or advisory ethics opinion, or adoption of a policy by the bar disciplinary authority. Subsequent footnotes detail which jurisdictions took which type of action.

A. Background

In November 2012 voters approved Initiative 502, which legalized the manufacture, distribution and possession of marijuana for recreational purposes in Washington State. During 2013, at the direction of the BOG, the CPE undertook a comprehensive review of options to address professional responsibility issues raised by the new law.

In January 2014 the CPE recommended adoption of two Washington-specific comments together with a cross-referenced ethics advisory opinion. In November 2014 the Washington State Supreme Court adopted a modified version of one comment, Comment [18] to RPC 1.2, and thereafter the WSBA issued Advisory Opinion 201501. The comment states:

At least until there is a change in federal enforcement policy, a lawyer may counsel a client regarding the validity, scope and meaning of Washington Initiative 502 (Laws of 2013, ch. 3) and may assist a client in conduct that the lawyer reasonably believes is permitted by this statute and the other statutes, regulations, orders and other state and local provisions implementing them.

Both the comment and the opinion were premised on the enforcement priorities of the DOJ at that time, as articulated through multiple memoranda providing nationwide guidance specific to enforcement of the Controlled Substances Act, 21 U.S.C. § 801 et seq., with respect to activities involving marijuana. These memoranda indicated that DOJ would not ordinarily prosecute individuals for violating federal law as long as their conduct complied with state law.

In January 2018 U.S. Attorney General Sessions rescinded the DOJ memoranda setting forth those enforcement priorities. This development prompted the CPE to review Comment [18] to RPC 1.2.

B. Developments in Ethics Guidance in Other States

When the CPE undertook its earlier analysis, only four states had issued ethics opinions to guide lawyers representing clients regarding activity that was legal under state marijuana laws but illegal under federal law. The ethics opinions from Colorado (2013), Connecticut (2013) and Maine (2010) concluded that a lawyer could *advise* clients regarding interpretation and application of federal and state law but could not generally *assist* clients in violating federal law.

One opinion, from Arizona, took note of the DOJ guidance and concluded that lawyers may ethically assist clients in conduct permitted by that state's medical marijuana law so long as certain requirements were satisfied.² The CPE recommended taking an approach similar to

² The requirements were: (1) at the time the assistance is provided, no court decision has held the state law to be preempted, void or otherwise invalid; (2) the lawyer reasonably concludes the client's activity complies with state law; and (3) the lawyer advises the client regarding the implications of federal law (or recommends the client seek such advice elsewhere and appropriately limits the scope of the representation). Arizona Ethics Op. 11-01 (2011).

Arizona's by incorporating a reference to DOJ enforcement priorities in proposed Comment 18 to RPC 1.2.

By the time the Washington Supreme Court adopted a modified version of the proposed comment in November 2014, Colorado and Connecticut had reversed their positions to allow lawyers to assist clients in complying with marijuana laws, and Nevada had joined them in taking that position.³

Washington was the fifth state to permit its lawyers to assist clients in complying with state marijuana law. Those five states were split in their approaches. Arizona and Washington relied on federal enforcement priorities in their pronouncements, whereas Colorado, Connecticut and Nevada did not.

Since November 2014 the ethics guidance in other states has continued in the direction of allowing lawyers to assist clients in complying with marijuana laws, and few states have tied their permission to federal enforcement priorities:

- Maine also reversed its position to permit its lawyers to assist clients in complying with state marijuana laws and did not condition that permission on federal enforcement priorities.⁴
- Nine states have now legalized recreational marijuana. Apart from Washington, seven states allow their lawyers to assist clients in complying with state marijuana laws without regard to federal enforcement priorities.⁵ The State Bar of California has made a similar recommendation to its Supreme Court.⁶
- Of fourteen states that have legalized only medical marijuana and for which ethics guidance is available online,⁷ ten states adopted the same position as those discussed in the two bullet points above.⁸ Three states took the same approach as Washington and

³ Comment [14] to Colorado RPC 1.2; Connecticut RPC 1.2(d)(3) and Commentary to Connecticut RPC 8.4; Comment [1] to Nevada RPC 1.2

⁴ Maine Ethics Op. 215 (2017).

⁵ Alaska RPC 1.2(f) and Comment to Alaska RPC 8.4; Comment [14] to Colorado RPC 1.2; Maine Ethics Op. 215 (2017); Joint Policy of Massachusetts Board of Bar Overseers and Office of Bar Counsel dated March 29, 2017; Comment [1] to Nevada RPC 1.2; Oregon RPC 1.2(d); Comment [14] to Vermont RPC 1.2.

⁶ The California Supreme Court recently adopted comprehensive amendments to its Rules of Professional Conduct to conform its rules more closely to the model rules. It did not adopt the State Bar of California's proposal for RPC 1.2.1 (Advising or Assisting the Violation of Law) or the proposed six comments "pending the State Bar's submission of additional revisions to proposed rule 1.2.1." Administrative Order 2018-05-09. The bar has requested public comment on two versions of proposed rule 1.2.1. Both versions of proposed comment [6] would allow a lawyer to assist a client in complying with state law, so long as the lawyer also advises regarding any conflict with federal or tribal law. Neither incorporates any reliance on federal enforcement priorities or limits the scope of the comment to marijuana laws.

⁷ Seven states are silent on this subject: Arkansas, Delaware, Michigan, Montana, New Hampshire, New Mexico, and North Dakota.

⁸ Connecticut RPC 1.2(d)(3) and Commentary to Connecticut RPC 8.4; Florida Bar Board of Governors, Policy Adopted May 2014 as reported in *Florida Bar News*, June 15, 2014; Hawaii RPC 1.2(d); Illinois RPC 1.2(d)(3); Minnesota Ethics Op. No. 23 (2015); New Jersey RPC 1.2(d); Ohio RPC 1.2(d)(2); Pennsylvania RPC 1.2(e); Rhode Island Ethics Advisory Panel Op. 2017-01; West Virginia RPC 1.2(e).

qualified their permission based on federal enforcement priorities.⁹ One state declined to take action to permit its lawyers to advise clients on compliance with state medical marijuana laws.¹⁰

- Five states did not limit their ethics guidance to marijuana laws. In Connecticut, Hawaii, Illinois, Pennsylvania, and West Virginia, a lawyer may ethically assist a client regarding conduct authorized by any state law, as long as the lawyer also advises regarding the consequences under other applicable law.¹¹

Thus, the states that rely on declared federal enforcement priorities as a condition of allowing lawyers to assist clients in complying with state marijuana laws are now a small minority: they comprise only four (including Washington) of the twenty-three states that have a publicly available position on the issue.¹²

C. Marijuana Regulation and Industry in Washington State

Ethics Advisory Opinion 201501 notes that, at the time it was issued, much governmental and private effort had been invested in the establishment of a licensing and regulatory system for the retail marijuana business under the jurisdiction of the Washington State Liquor and Cannabis Board. It further notes that, despite the tension between Washington state law and the federal Controlled Substances Act, the Washington Attorney General and then U.S. Attorney General Eric Holder had devoted considerable time and effort to crafting Washington marijuana law provisions subject to federal guidelines.

The marijuana industry has expanded quickly in Washington. From July 1, 2014 through June 30, 2015, marijuana sales in Washington totaled \$259,522,322. Two years later this figure had climbed to \$1,371,795,851, and the state received \$314,839,660 in excise tax during fiscal year 2017.¹³

D. Recommendation to Revise Washington-Specific Comment [18] to RPC 1.2

The CPE unanimously recommends that Comment [18] be revised to eliminate reliance on federal enforcement priorities as a reference point for judging whether a Washington-admitted lawyer may ethically assist a client in complying with state marijuana laws.

The committee recognizes that, although attitudes toward marijuana have changed in Washington, along the West Coast, and in many other states, the same shift has not occurred nationwide. Marijuana may be a political issue in national politics for years to come, which

⁹ Arizona Ethics Op. 11-01 (2011); Maryland Ethics Docket No. 2016-10; New York Ethics opinion #1024 (9/29/14). These states have not yet reviewed their positions in light of Attorney General Session's recent action.

¹⁰ In Louisiana the Rule of Professional Conduct Committee declined to recommend an amendment to that state's RPC 1.2 that would have permitted lawyers to provide legal advice regarding marijuana cultivation and distribution. See lalegaethics.org, a blog maintained by Professor Dane S. Ciolino.

¹¹ Connecticut RPC 1.2(d)(3); Hawaii RPC 1.2(d); Illinois RPC 1.2(d)(3); Pennsylvania RPC 1.2(e); West Virginia RPC 1.2(e). California is poised to join this group, as explained in Footnote 6.

¹² Attachment 2 summarizes our research regarding ethics guidance in other states that have legalized marijuana.

¹³ <https://lcb.wa.gov/records/frequently-requested-lists>.

means that related federal enforcement priorities may also be in flux for an extended period of time.

The CPE believes that clients in Washington should have dependable access to legal advice regarding compliance with state marijuana laws and that Washington lawyers should have consistent and reliable guidance concerning their ethical responsibilities in relation to these clients.

Advisory Opinion 201501 provides persuasive reasoning on this point:

As a general matter, and as noted in Official Comment 14 to the Preamble and Scope of the Washington Rules of Professional Conduct:

The Rules of Professional Conduct are rules of reason.
They should be interpreted with reference to the
purposes of legal representation and of the law itself.

RPC 1.2(d) and 8.4(b), (i), (k), and (n) are designed to ensure that lawyers do not undermine the rule of law, whether through assisting clients in or their own acts of criminal behavior. [Endnote omitted] In this unprecedented situation, it would be the failure to allow lawyers to advise their clients rather than allowing them to do so, that would undermine the rule of law.

Page 6. The opinion also notes that the predominant purpose of lawyer discipline is to protect the public, but the Washington public does not need protection from lawyers who assist clients in complying with state law. To the contrary, the Washington public is protected when the boundaries of state law are respected. Lawyers are instrumental in reinforcing respect for state law, and they should not have to fear discipline for playing that important role.

In addition to deleting the reference to federal enforcement priorities, the CPE recommends incorporating a direction that lawyers “shall” advise their clients about other applicable law.¹⁴ In adding this requirement, the CPE recommends that Washington follow the approach of Oregon, and that proposed by the State Bar of California, by referencing tribal law as well as federal law.

The CPE’s recommended revisions to Comment [18] are attached in red-lined form. If adopted, the comment would read as follows:

Under paragraph (d), a lawyer may counsel a client regarding Washington’s marijuana laws and may assist a client in conduct that the lawyer reasonably believes is permitted by those laws. If Washington law conflicts with federal or tribal law, the lawyer shall also advise the client regarding related federal or tribal law and policy.

¹⁴ Of the states that permit their lawyers to assist clients in complying with state marijuana laws, virtually all express a similar expectation with mandatory or quasi-mandatory words such as “shall,” “provided,” or “so long as.” Maine expresses its expectation by saying that lawyers “should” provide this advice.

E. Recommendation to Adopt Washington-Specific Comment [8] to RPC 8.4

In 2014 the CPE recommended the adoption of a Washington-specific comment to RPC 8.4 to confirm that a lawyer who engaged in conduct permitted under Initiative 502 did not, without more, violate RPC 8.4(b), (i), (k), or (n). The Supreme Court did not adopt the suggested comment or any comment to RPC 8.4. In the CPE's opinion, the protection afforded by Comment [18] to RPC 1.2 would be incomplete without a counterpart comment to RPC 8.4.

By a vote of 5 to 2, the CPE recommends adopting a Washington-specific comment to RPC 8.4, as follows, which is more narrowly focused than the comment recommended in 2014:

[8] A lawyer who counsels a client regarding Washington's marijuana laws or assists a client in conduct that the lawyer reasonably believes is permitted by those laws does not thereby violate RPC 8.4. *See also* Washington Comment [18] to RPC 1.2.

Such a comment would clarify that a lawyer's conduct in counseling or assisting a client regarding state marijuana law, which is protected under the "safe harbor" of Comment [18] to RPC 1.2, would not violate RPC 8.4 and therefore could not establish the basis for disciplinary action under that rule.¹⁵ The comment would not, however, provide a "safe harbor" for personal possession, sale, and distribution of state-legal marijuana by lawyers.¹⁶

If a lawyer is convicted of any felony, WSBA Disciplinary Counsel must file a formal complaint and petition the Washington Supreme Court for an order suspending the lawyer during the pendency of the disciplinary proceedings. ELC 7.1(c)(1). Upon the filing of the petition, the Washington Supreme Court must enter an order immediately suspending the respondent lawyer from the practice of law. ELC 7.1(e)(1). This would be the case even in the unlikely event that a lawyer were prosecuted and convicted of a federal felony based solely upon the providing of legal advice or assistance expressly permitted under Comment [18] to RPC 1.2.

The CPE is concerned that application of ELC 7.1(c)(1) and 7.1(e)(1) in the circumstance just described would be inconsistent with the rationale underlying Comment [18] to RPC 1.2. Recognizing that the application and amendment of the Rules for Enforcement of Lawyer Conduct are beyond the purview of the CPE, the committee nevertheless believes adoption of

¹⁵ This approach would be consistent with that adopted by Alaska and Connecticut, the two states that have taken action with respect to RPC 8.4. Alaska's comment provides: "Although assisting a client under Rule 1.2(f) may violate federal drug laws, it is not a violation of Rule 8.4(b)." Connecticut's comment provides: "Counseling or assisting a client with regard to conduct expressly permitted under Connecticut law is not conduct that reflects adversely on a lawyer's fitness notwithstanding any conflict with federal or other law."

¹⁶ The dissenting members of the CPE favored a broader option that would also have added "or engaging in conduct that is permitted by those laws" to the safe harbor of Comment [8] so as to encompass personal possession, sale and distribution of state-legal marijuana by lawyers. They believe lawyers should be able to engage in the same activities as their clients and want to provide a safe harbor to lawyers who are now unsure of the scope of permissible conduct.

proposed Comment [8] to RPC 8.4 is important. Our objective is to confirm the “safe harbor” provided by Comment [18] to RPC 1.2 to the greatest extent possible within the RPCs, even though the proposed comment would not prevent the filing of a petition for interim suspension or a formal complaint under ELC 7.1.

F. Status of Ethics Advisory Opinion 201501

The CPE intends to revisit Advisory Opinion 201501 after the Washington Supreme Court takes action with respect to the issues addressed by this recommendation.

Attachments:

Attachment 1: Proposed Amendment to Comment 18 to RPC 1.2 (Redline) and proposed new Comment 8 to RPC 8.4

Attachment 2: Survey of Other States That Have Legalized Medical and/or Recreational Marijuana

Attachment 1

Red-line of proposed revision to Comment [18] to RPC 1.2

Special Circumstances Presented by Washington's Marijuana Laws Initiative 502 (Laws of 2013, ch. 3)

~~At least until there is a change in federal enforcement policy~~ Under paragraph (d), a lawyer may counsel a client regarding ~~the validity, scope and meaning of~~ Washington's marijuana laws Initiative 502 (Laws of 2013, ch. 3) and may assist a client in conduct that the lawyer reasonably believes is permitted by ~~this statute and the other statutes, regulations, orders and other state and local provisions implementing them~~ those laws. If Washington law conflicts with federal or tribal law, the lawyer shall also advise the client regarding the related federal or tribal law and policy.

Proposed Comment [8] to RPC 8.4

[8] A lawyer who counsels a client regarding Washington's marijuana laws or assists a client in conduct that the lawyer reasonably believes is permitted by those laws does not thereby violate RPC 8.4. *See also* Washington Comment [18] to RPC 1.2.

Attachment 2

Positions of States (Other Than Washington) That Have Legalized Marijuana Activity (as of June 2018)

A. States That Have Legalized Both Recreational and Medical Marijuana

Eight states, including Washington, have legalized both recreational and medical marijuana. None of the other seven have qualified their blessing to advise marijuana clients based on federal enforcement priorities. Five of the seven gave their blessing by revising RPC 1.2(d) and/or adding a comment. Maine issued an ethics opinion, and Massachusetts issued a policy statement.

State	Action
AK	RPC 1.2(f) provides: “A lawyer may counsel a client regarding Alaska’s marijuana laws and assist the client to engage in conduct that the lawyer reasonably believes is authorized by those laws. If Alaska law conflicts with federal law, the lawyer shall also advise the client regarding related federal law and policy.” In addition, the last paragraph of the comment to RPC 8.4 provides: “Although assisting a client under Rule 1.2(f) may violate federal drug laws, it is not a violation of Rule 8.4(b).”
CA	The State Bar of California has requested public comment by July 3, 2018 on two versions of proposed rule 1.1.2. Both versions of Comment [6] would allow a lawyer to assist a client in complying with state law, so long as the lawyer also advises regarding any conflict with federal or tribal law. Neither version incorporates any reliance on federal enforcement priorities or limits the scope of the comment to marijuana laws.
CO	Comment [14] to RPC 1.2 provides: “A lawyer may counsel a client regarding the validity, scope, and meaning of Colorado constitution article XVIII, secs. 14& 16, and may assist a client in conduct that the lawyer reasonably believes is permitted by these constitutional provisions and the statutes, regulations, orders, and other state or local provisions implementing them. In these circumstances, the lawyer shall also advise the client regarding related federal law and policy.”
ME	Ethics Opinion 215 (issued March 1, 2017) concludes: “[N]otwithstanding current federal laws regarding the use and sale of marijuana, Rule 1.2 is not a bar to assisting clients to engage in conduct that the attorney reasonably believes is permitted by Maine laws regarding medical and recreational marijuana, including the statutes, regulations, Orders and other state or local provisions implementing them. The Commission cautions that, because the DOJ guidance on prosecutorial discretion is subject to change, lawyers providing advice in this field should be up to date on federal enforcement policy, as well as any modifications of federal and state law and regulations, and advise their clients of the same.”
MA	Policy issued March 29, 2017: “The Massachusetts Board of Bar Overseers and Office of the Bar Counsel will not prosecute a member of the Massachusetts bar solely for advising a client regarding the validity, scope, and meaning of Massachusetts statutes and laws regarding medical or other legal forms of marijuana or for assisting a client in

	conduct that the lawyer reasonably believes is permitted by Massachusetts statutes, regulations, orders, and other state or local provisions implementing them, as long as the lawyer also advises the client regarding related federal law and policy.”
NV	Comment [1] to RPC 1.2: “A lawyer may counsel a client regarding the validity, scope, and meaning of Nevada Constitution Article 4, Section 38, and NRS Chapter 453A, and may assist a client in conduct that the lawyer reasonably believes is permitted by these constitutional provisions and statutes, including regulations, orders, and other state or local provisions implementing them. In these circumstances, the lawyer shall also advise the client regarding related federal law and policy.”
OR	RPC 1.2(d): “Notwithstanding paragraph (c), a lawyer may counsel and assist a client regarding Oregon’s marijuana-related laws. In the event Oregon law conflicts with federal or tribal law, the lawyer shall also advise the client regarding related federal and tribal law and policy.”

B. States That Have Legalized Only Medical Marijuana

In the chart below, “Q” means that the state has expressly *qualified* its pronouncement that advising marijuana clients does not violate RPCs based on federal enforcement priorities.¹ Most states that have legalized medical marijuana have not qualified their positions.

State	Not Q	Q	Notes
AR			No revision of RPC 1.2 or adoption of a comment. Ethics opinions not publicly available online. Upon inquiry to the Arkansas voluntary bar association, we learned that it had proposed a comment to RPC 1.2 that would have allowed lawyers to counsel and assist clients regarding conduct expressly permitted by Arkansas law (not limited to marijuana laws), which the Arkansas Supreme Court declined to adopt.
AZ		X	<p>Ethics op. 11-01: “The following is a reasonable construction of ER 1.2(d)’s prohibitions in the unique circumstances presented by Arizona’s adoption of the Act:</p> <ul style="list-style-type: none"> • If a client or potential client requests an Arizona lawyer’s assistance to undertake the specific actions that the Act expressly permits; and • The lawyer advises the client with respect to the potential federal law implications and consequences thereof or, if the lawyer is not qualified to do so, advises the client to seek other legal counsel regarding those issues and limits the scope of his or her representation; and • The client, having received full disclosure of the risks of proceeding under the state law, wishes to proceed with a course of action specifically authorized by the Act; then • The lawyer ethically may perform such legal acts as are necessary or desirable to assist the client to engage in the conduct that is expressly permissible under the Act. <p>This opinion and its construction of ER 1.2(d) are strictly limited to the</p>

¹ The chart does not list states that have not legalized medical marijuana.

			unusual circumstances occasioned by the adoption of the Act. Any judicial determination regarding the law, <i>a change in the Act or in the federal government's enforcement policies could affect this conclusion.</i> "
CT	X		RPC 1.2(d): "... a lawyer may ... (3) counsel or assist a client regarding conduct expressly permitted by Connecticut law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client's proposed course of conduct." RPC 8.4 Commentary: "Counseling or assisting a client with regard to conduct expressly permitted under Connecticut law is not conduct that reflects adversely on a lawyer's fitness notwithstanding any conflict with federal or other law."
DE			No revision of RPC 1.2 or adoption of a comment. No ethics opinion.
FL	X		Policy adopted by Bar Board of Governors in May 2014: "The Florida Bar will not prosecute a Florida Bar member solely for advising a client regarding the validity, scope, and meaning of Florida statutes regarding medical marijuana or for assisting a client in conduct the lawyer reasonably believes is permitted by Florida statutes, regulations, orders, and other state or local provisions implementing them, as long as the lawyer also advises the client regarding related federal law and policy." Florida Bar News 6/15/2014
HI	X		RPC 1.2(d): "... a lawyer ... may counsel or assist a client regarding conduct expressly permitted by Hawai'i law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client's proposed course of conduct."
IL	X		RPC 1.2(d): "... a lawyer may ... (3) counsel or assist a client in conduct expressly permitted by Illinois law that may violate or conflict with federal or other law, as long as the lawyer advises the client about that federal or other law and its potential consequences."
LA		Not OK	Annotation to RPC 1.2: "On November 2, 2016, the Louisiana State Bar Association Rule of Professional Conduct Committee debated the issue and declined to recommend an amendment to the Louisiana rules that would have permitted lawyers to give legal advice to LSU and Southern [University] regarding marijuana cultivation and distribution. In so doing, the committee respected the basic federalism principle of supremacy embodied in Article VI § 2 of the United States Constitution. Indeed, if the State of Louisiana were to permit racial discrimination in the workplace in violation of federal civil rights laws, the rules would not allow a lawyer to advise a restaurant as to how to refuse to hire African-American waiters. Allowing advice regarding illicit marijuana cultivation and distribution would have been just as unacceptable in our federal system."
MD		X	Ethics Docket No. 2016-10: RPCs do not prohibit advice or legal services, subject to limitations. Caveats: U.S. has expressly acquiesced to state action by stating it will not interfere with activity complying with state law (#1). <i>Position is largely predicated upon DOJ's stated</i>

			<i>position it will leave appropriately state regulated medical marijuana activities unmolested; should DOJ alter stance, the proposed conduct may no longer be appropriate (#3). Opinion is limited to application of MRPC to activities that the DOJ has acquiesced to under state medical marijuana law (#6).</i>
MI			No revision of RPC 1.2 or adoption of a comment. No ethics opinion.
MN	X		Opinion No. 23 (4/6/2015): “A lawyer may advise a client about the Minnesota Medical Marijuana Law and may represent, advise and assist clients in all activities relating to and in compliance with the Law, including the manufacture, sale, distribution and use of medical marijuana, without violating the Minnesota Rules of Professional Conduct, so long as the lawyer also advises his or her client that such activities may violate federal law, including the federal Controlled Substance Act, United States Code, title 21, section 841(a)(1).” Also, Minn. Stat. § 152.32(2)(i) (May 2014) (an attorney may not be subject to disciplinary action by the Minnesota Supreme Court or professional responsibility board for providing assistance related to Minnesota's medical marijuana laws). (Minnesota Supreme Court denied to petition to add comment to RPC 1.2 because not the appropriate place.)
MT			No revision of RPC 1.2; no comments at all; no ethics opinion.
NH			No revision of RPC 1.2 or adoption of a comment. No ethics opinion.
NJ	X		RPC 1.2(d): “A lawyer may counsel a client regarding New Jersey’s medical marijuana laws and assist the client to engage in conduct that the lawyer reasonably believes is authorized by those laws. The lawyer shall also advise the client regarding related federal law and policy.”
NM			Formal Op. 2016-01 (Lawyer’s Ability to Represent Medical Cannabis Businesses) has been withdrawn.
NY		X	Ethics opinion #1024 (9/29/14): “ <i>In light of current federal enforcement policy</i> , the New York Rules of Professional Conduct permit a lawyer to assist a client in conduct designed to comply with state medical marijuana law, notwithstanding that federal narcotics law prohibits the delivery, sale, possession and use of marijuana and makes no exception for medical marijuana.”
ND			No revision of RPC 1.2 or adoption of a comment. No ethics opinion.
OH	X		RPC 1.2(d)(2): “A lawyer may counsel or assist a client regarding conduct expressly permitted under Sub. H.B. 523 of the 131 st General Assembly authorizing the use of marijuana for medical purposes and any state statutes, rules, orders, or other provisions implementing the act. In these circumstances, the lawyer shall advise the client regarding related federal law.”
PA	X		RPC 1.2(e): “A lawyer may counsel or assist a client regarding conduct expressly permitted by Pennsylvania law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client’s proposed course of conduct.”
RI	X		Ethics Advisory Panel Op. 2017-01: “The inquiring attorneys may

		ethically advise clients about Rhode Island’s medical marijuana law, and may ethically represent, advise, and assist clients in all activities relating to and in compliance with the law, provided that the lawyers also advise clients regarding federal law, including the federal Controlled Substances Act.
VT	X?	<p>Comment [14] to RPC 1.2(d): “With respect to paragraph (d), a lawyer may counsel a client regarding the validity, scope, and meaning of Title 18, chapters 84, 84A, and 86 of the Vermont Statutes Annotated, and may assist a client in conduct that the lawyer reasonably believes is permitted by these statutes and the rules, orders, and other state and local provisions implementing the statutes. In these circumstances, the lawyer shall also advise the client regarding the potential consequences of the client’s conduct under related federal law and policy.”</p> <p>Board’s Notes: “Given the conflict between state and federal law, <i>and DOJ’s current enforcement policy</i>, this is an area in which advice from an attorney is critical and into which clients should not be forced to enter without counsel.”</p>
WV	X	RPC 1.2(e): “A lawyer may counsel a client regarding West Virginia law and assist the client to engage in conduct that the lawyer reasonably believes is authorized by those laws. If West Virginia law conflicts with federal law, the lawyer shall also advise the client regarding related federal law and its potential consequences.”

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: July 10, 2018
RE: Proposed Amendments to March 19, 2018, Draft BOG Public Session Minutes

ACTION: Approve March 19, 2018, draft BOG Public Session Minutes.

Attached please find the draft of the March 19, 2018, BOG Public Session Minutes, along with the June 22, 2018, email from Governor Risenmay and the documents referenced in the email, for you review and approval.

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

BOARD OF GOVERNORS SPECIAL MEETING

Public Session Minutes

Seattle, WA

March 19, 2018

Due to the resignation of President Furlong, President-elect Bill Pickett was sworn in as WSBA President by The Honorable Chris Lanese of the Thurston County Superior Court.

The Special Meeting Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Monday, March 19, 2018, at 3:35 p.m., at the WSBA Conference Center, Seattle, Washington. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
James K. Doane
Kim E. Hunter
Jean Y. Kang (phone)
Rajeev D. Majumdar
Christina A. Meserve
Athan P. Papailiou (phone)
G. Kim Risenmay
Alec Stephens (phone)
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were Immediate Past-President Bill Hyslop (phone), Executive Director Paula Littlewood, General Counsel Sean Davis, Chief Regulatory Counsel Jean McElroy, Chief Disciplinary Counsel Doug Ende, Director of Human Resources Frances Dujon-Reynolds, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane. Governors Hayes and Sciuchetti were not present for the meeting.

President Pickett reviewed the items to be discussed and advised that he would not entertain any motions during this meeting as nothing was on the agenda for "action." Discussion ensued regarding the meeting agenda set by former President Furlong being different from the agenda submitted by the Governors requesting this special meeting. President Pickett reminded the Board that, according to the WSBA Bylaws, the President sets the agenda for all Board meetings and that he would be following President Furlong's agenda, which had been posted on the website as notice to the members of what would be discussed at this meeting.

DISCUSSION TO ESTABLISH A PROCESS FOR REVIEW OF AMENDMENTS TO THE WSBA BYLAWS

President Pickett advised the Board that Governor Bridges had made a new proposed Process to the Board via email shortly before the meeting started. Governor Bridges distributed and reviewed his proposed Action Plan for Proposed Bylaw Amendments (Action Plan) and noted that he used former President Furlong's proposed process as a template. Governor Risenmay asked that the following refinements and clarifications be included in the Action Plan: (1) that detailed Minutes, separate from the Majority and Minority Reports, be prepared for each Work Group meeting; (2) that a detailed record of voting be recorded in the Minutes for each meeting, including the specific motion made, the person making the motion, the person seconding the motion, and the yea or nay vote of each person voting by name; (3) that no action to remove the three new At-Large seats be undertaken unless and until a Washington Supreme Court (Court) Order removing the seats from the Board is entered; and (4) that the Majority Report and Minority Report of the Work Group explaining the reasons why the change is either appropriate or inappropriate be sent to the Court if the outcome of the process is to change the Bylaws and eliminate the three new At-Large positions. An additional suggestion was made to change the word "stayed" in the first sentence to "held in abeyance."

Further discussion ensued regarding sending the Court a status update regarding the process the Board is undertaking in relation to the Order; whether the Order needs to be implemented immediately; that there is no deadline for implementation contained in the Order; that the Board needs to adopt a process and work through it; and that it appears some Governors are

trying to forestall electing the three new At-Large seats so that the proposed Bylaws amendments can be voted on without their input and votes.

Governor Risenmay raised a point of order that any action the Board takes at this meeting and at future meetings will be null and void until the three new At-Large seats created by the Supreme Court Order have been filled by electing qualified people to those positions and swearing them in so they can participate with the rest of the Governors in the Bylaws Amendment Process. General Counsel Davis was asked for his legal advice, and he replied that he could not give the Board legal advice in Public Session. The Board did not adjourn and go into Executive Session so it could receive General Counsel Davis' advice on this matter. Chief Regulatory Counsel McElroy emphasized that she was not giving legal advice, just describing procedure and timing of events. She then stated that the Bylaw amendments were adopted at the Board's September 2016 meeting contingent upon approval by the Court, and that the subsequent Order by the Court approved changing the size and makeup of the Board and implementation of those changes as described in the September 2016 Bylaw amendments.

Governor Majumdar moved that the Board adopt Governor Bridges' Action Plan as amended during discussions. President Pickett reminded the Board that, as stated at the beginning of the meeting, he would not entertain any motions. He explained that Governor Bridges distributed his proposed Action Plan to the Board shortly before the meeting, it had not been posted on the website with the rest of the meeting materials, and the membership had not seen it. He stated that in order to invite member engagement and to be transparent, the proposed Action Plan needs to be sent to the membership for feedback and comment.

Further discussion ensued that Governor Bridges' amended proposed Action Plan was not substantively different than the process proposed by former President Furlong; that non-Board members need to be added to the proposed Work Group; and that the Work Group needs to be comprised of specific named members for increased responsibility and accountability rather than membership simply being open to anyone who wants to show up at a particular meeting.

Concern was expressed that a vote would not be allowed on the proposed Action Plan at this meeting. President Pickett reiterated that the proposed Action Plan was late getting to the Governors and had not been included in the materials that were posted on the website, and emphasized his concern that the members have the right to know what the Board is doing. He emphasized that this is not just a matter of process, that clarification is needed from the Court, that the Court needs to be kept apprised of what the Board is doing in relation to the Order, and then adoption of the proposed Process can be undertaken. It was suggested that another Special Meeting be held to adopt the proposed Action Plan prior to the May 17-18, 2018, Board meeting.

PROPOSED BYLAW AMENDMENTS

President Pickett referred the Board to the proposed Bylaw amendments contained in the meeting materials. Discussion ensued regarding eliminating Executive Session except for personnel matters and lawsuit matters; the mechanics of getting a Special Meeting scheduled and materials posted on the website; whether the President has the authority to not accept motions; the importance of the Board continuing to act with transparency and engaging the members; the importance of working collaboratively together; and the need for another Special Meeting. Governor Majumdar suggested Saturday, April 7, 2018, and agreed to circulate the proposed date.

ADJOURNMENT

There being no further business in Public Session, the Special Meeting Public Session was adjourned at 5:20 p.m. on Monday, March 19, 2018.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director & Secretary

From: Glade Kim Risenmay [mailto:gkrisenmay@gmail.com]
Sent: Friday, June 22, 2018 12:29 PM
To: Margaret Shane
Cc: Paula Littlewood
Subject: RE: March 19, 2018, Public Session Minutes

Margaret,

I have attached a document to this reply that shows my proposed revisions to the minutes of the March 19 BOG meeting. I prepared this document in the "Track Changes" mode so that you can see each of the revisions that I have proposed. For your reference, I have also attached a copy of the document that I prepared for my own use at the March 19 meeting. This second document contains the exact language I read to the Board of Governors as I made each of the four proposals that the Board approved. It also contains the language that I read to the Board when I raised my point of order concerning the propriety of taking any action without filling the three new Governor positions and allowing those new Governors to be present and to participate in any proposed Bylaw amendments that would eliminate those three new Governor positions.

Let me know if you have any questions.

Kim

G. Kim Risenmay | 10103 167th Place NE | Redmond, WA 98052-3125
Home: (425) 285-9305 | Mobile: (206) 306-3918
gkrisenmay@gmail.com

Kim Risenmay's suggested revisions to the Public Session Minutes, for the March 19, 2018 special BOG Meeting:

DISCUSSION TO ESTABLISH A PROCESS FOR REVIEW OF AMENDMENTS TO THE WSBA BYLAWS

President Pickett advised the Board that Governor Bridges had made a new proposed Process to the Board via email shortly before the meeting started. Governor Bridges distributed and reviewed his proposed Action Plan for Proposed Bylaw Amendments (Action Plan) and noted that he used former President Furlong's proposed process as a template. Governor Risenmay asked that the following refinements and clarifications be included in the Action Plan: (1) that detailed Minutes be prepared for all proceedings that dealt with the subjects listed on the agenda for the March 19 BOG meeting; and that detailed minutes would continue to be kept for all subsequent meetings dealing with the topics of the March 19 agenda; (2) that the minutes contain a separate, by individual, record of each vote on any motion taken in the course of these proceedings, separate from the Majority and Minority Reports, be prepared for each Work Group meeting; (2) that a detailed record of voting be recorded in the Minutes for each meeting, including the specific motion made, the name of the person making the motion, the name of the person seconding the motion, and the yea or nay vote of each person voting by name; (3) that no action to remove the three new At-Large seats any Board of Governor position would take effect until and unless the Washington Supreme Court issued a new Order approving such a change in WSBA's Bylaws; be undertaken unless and until a Washington Supreme Court (Court) Order removing the seats from the Board is entered; and that (4) any request for a Washington Supreme Court Order approving such a change in WSBA's Bylaws be accompanied by a that the Majority Report, explaining to the Court the reasons why those governors voting in favor of such a change believe the change is appropriate, and a Minority Report, of the Work Group explaining to the Court the reasons why those Governors voting against such a change believe the change is inappropriate. The Board of Governors voted to approve each of these four proposals and include them in the Action Plan. the reasons why the change is either appropriate or inappropriate be sent to the Court if the outcome of the process is to change the Bylaws and eliminate the three new At-Large positions. An

additional suggestion was made to change the word “stayed” in the first sentence to “held in abeyance.”

Further discussion ensued regarding sending the Court a status update regarding the process the Board is undertaking in relation to the Order; whether the Order needs to be implemented immediately; that there is no deadline for implementation contained in the Order; that the Board needs to adopt a process and work through it; and that it appears some Governors are trying to forestall electing the three new At-Large seats so that the proposed Bylaws amendments can be voted on without their input and votes.

Governor Risenmay raised a point of order that any action the Board takes at this meeting and at future meetings will be null and void until the three new At-Large seats created by the Supreme Court Order have been filled by electing qualified people to those positions and swearing them in so they can participate with the rest of the Governors in the Bylaws Amendment Process. President Pickett did not rule on this point of order. General Counsel Davis was asked for his legal advice, and he replied that he could not give the Board legal advice in Public Session. The Board did not adjourn and go into Executive Session so it could receive General Counsel Davis’ advice on this matter. Chief Regulatory Counsel McElroy emphasized that she was not giving legal advice, just describing procedure and timing of events. She then stated that the Bylaw amendments were adopted at the Board’s September 2016 meeting contingent upon approval by the Court, and that the subsequent Order by the Court approved changing the size and makeup of the Board and implementation of those changes as described in the September 2016 Bylaw amendments.

Governor Majumdar moved that the Board adopt Governor Bridges’ Action Plan as amended during discussions. President Pickett reminded the Board that, as stated at the beginning of the meeting, he would not entertain any motions. He explained that Governor Bridges distributed his proposed Action Plan to the Board shortly before the meeting, it had not been posted on the website with the rest of the meeting materials, and the membership had not seen it. He

stated that in order to invite member engagement and to be transparent, the proposed Action Plan needs to be sent to the membership for feedback and comment.

G. Kim Risenmay Proposals for Bylaws Review & Amendment Process:

1. I propose that detailed minutes be prepared for all proceedings that deal with the subjects listed on the agenda for today's BOG meeting, i.e., March 19, 2018: This would continue, both for today and for all subsequent meetings dealing with the topics on today's agenda.
2. I propose that the minutes contain a separate, by individual, record of each vote on any motion taken in the course of these proceedings. That is,
 - a. list the specific motion made,
 - b. the name of the person making the motion,
 - c. the name of the person who seconded that motion;
 - d. And for each person voting, his/her name and a record of whether she/he voted for or against that motion.
3. I propose that no action to eliminate any Board of Governor position should take effect until and unless the Washington Supreme Court issues a new Order approving such a change in WSBA's Bylaws.
4. I propose that any request for a Washington Supreme Court Order approving such a change in WSBA's Bylaws be accompanied by
 - a. A Majority Report, explaining to the Court the reasons why those Governors voting in favor of such a change believe the change is appropriate; and
 - b. A Minority Report, explaining to the Court the reasons why those Governors voting against such a change believe the change is inappropriate.
5. I raise a Point of Order: Any Board of Governor proceedings on the topics listed in today's agenda are invalid unless and until
 - a. the three Governor positions created by the Washington Supreme Court Order have been filled by electing a qualified person to each of those three positions,
 - b. those new Governors have been sworn in, and
 - c. those three new Governors are present with us and have opportunity to participate in these proceedings.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: July 17, 2018
RE: Election of 2018-2019 WSBA Treasurer

ACTION: Elect 2018-2019 WSBA Treasurer

Pursuant to the WSBA Bylaws, the WSBA Treasurer is selected by the Board:

The treasurer shall be a current governor and shall be nominated and elected by the Board of Governors at the second to the last regularly scheduled Board meeting of the fiscal year. The treasurer shall be elected by simple majority of Governors voting. In the event there is more than one nomination, the vote shall be by secret written ballot. (effective January 1, 2012)

Ballots will be available at the meeting in the event there is more than one nomination, as well as run-off ballots in the event of a tie.

WASHINGTON STATE BAR ASSOCIATION

Date: July 16, 2018

To: Board of Governors

From: Angela Hayes, Personnel Committee Chair

Re: BOG Personnel Committee Update

The Board of Governors Personnel Committee has been working over the past year on a number of important projects. I will be providing the board an update at the July meeting covering the work the committee has done on the following projects:

1. Executive Director Succession Plan
2. Education and update of the Executive Director job description is provided for your information and understanding of the ED role and responsibilities
3. Compensation market study

JOB SPECIFICATIONS

(To be used for recruiting and job evaluation purposes)

Job Title: Executive Director Department: Office of the Exec. Dir.

Reports To (title): Board of Governors Date: June 21 2018

I. General Summary: The Executive Director (ED) is responsible for the administration of the office and the activities of the WSBA under the direction of the Board of Governors (Board). The Executive Director reports directly to the Supreme Court of Washington on all regulatory matters. The Executive Director oversees the operations of an over 22 million dollar budget organization and directs the activities of a staff of approximately 140. The Executive Director has the authority to employ and compensate staff, within the limits of the budget, as may be necessary to carry out the functions and purposes of the Bar and is responsible to carry out the policies and directions of the Board and the Supreme Court of Washington. This position is an "at will" appointment serving at the pleasure of the Board and as defined in the WSBA bylaws and other relevant court rules.

Principal Duties and Responsibilities:

1. Management of WSBA staff and programs within the parameters established by the annual Board adopted budget. 30%
 - Recruit, develop, lead, and retain competent and committed staff; assess current staff and ensure that talent is maximized and that resources are allocated in ways to achieve the highest results.
 - Work with the Board of Governors to implement and monitor policies and priorities established by the Board; work with the officers and Board to define or redefine the roles and responsibilities of Board members, committee members and constituents.
 - Direct the activities of WSBA staff to ensure accomplishment of strategic goals established by the Board's Strategic Planning Committee; assure that all staff contributes effectively to the WSBA mission, Guiding Principles and strategic goals as well as all Supreme Court rules, orders and case law.
 - Lead strategic planning activities within the WSBA and bring forward issues and ideas to the Board for further development to guide the long term viability of the organization and the profession.
 - Serve as steward of WSBA assets: human, material, fiscal, goodwill with members, and good reputation of WSBA.
 - Assure coverage and continuity of the activity of WSBA.
 - Responsible with the Board for ensuring that the WSBA remains financially sound, including ensuring that solid financial systems and rigorous internal controls are in place, accurate financial reports are produced, and the annual budget is prepared and implemented in accordance with Board policies.
 - Manage staff-member relationships at all levels of the WSBA in order to make the most efficient use of WSBA resources through direction and delegation to the WSBA Executive Management Team as

appropriate.

- Establish and, from time to time, modify an organizational structure to accomplish the goals, programs and policies of the Board including the authority to hire, assign, and terminate staff.
- Work with General Counsel and outside counsel as necessary to assure that WSBA's legal matters are properly handled and that committees, sections, and divisions comply with WSBA bylaws and policies.

2. Management and Administration of the regulatory functions of the WSBA 35%

- Ensure compliance with and performance of specific duties assigned to the ED and the WSBA by the Supreme Court's General Rules, the Enforcement of Lawyer Conduct Rules, the Rules of Professional Conduct, and the Admission and Practice Rules.
- Administer services and functions based on any other rules and orders as promulgated by the Supreme Court of the State of Washington.
- Maintain regular communication with the Supreme Court of the State of Washington as needed to ensure a smooth running regulatory agency under the plenary authority of the Court.

3. Serve as Executive Secretary to the Board of Governors and Board Officers. 15%

- Serve as an Officer of the Bar and, with the other Bar Officers, prepare the agendas and materials for meetings and serve as Secretary to the Board.
- Provide vision and leadership to the Board through discernment of issues and presenting creative solutions for the Board's consideration.
- Support the priorities and activities of the officers and Board.
- Develop and maintain a focus on long-term strategic planning; contribute to, promote, and support the long-range strategic goals.
- Oversee the preparation of minutes and other documentation of Board actions.
- Ensure that all Board policies are followed.
- Coordinate activities of the officers and Governors to assure responsiveness to members and member groups.

4. Serve as spokesperson and ambassador for the WSBA to members, the judicial and executive branches, the legislature, ABA, and other outside entities. Activities include: 15%

- Maintain a high member service focus and promote quality in membership services.
- Maintain high visibility of the Board to the public, members, and other policy leaders. As the "face" of WSBA speak, present, and write about the mission and goals of WSBA.
- Maintain contact and communicate with members of the WSBA, the judiciary, and the public in ongoing awareness building about the WSBA.
- Coordinate and communicate with elected leaders and professional staff of law-related organizations

in the State of Washington and maintain liaison with bar associations throughout the U.S.

- Along with the President, serve as spokesperson for the WSBA.
- Write columns and reports about WSBA activities and the legal profession.
- Attend meetings and functions of law related entities and member affiliate groups.

5. Perform such other tasks and duties as may be assigned by the Board of Governors or the Washington State Supreme Court. 5%

Activities include:

- Serving on substantive outside committees and task forces.
- Serving on the Washington State Bar Foundation Board.
- Other duties as may be assigned.

II. Background

A. Supervision: The Executive Director position directly supervises the Executive Team and Executive Assistant and, through the Executive Management Team, is responsible for all other WSBA staff members. The position requires little supervision from the Board on administrative matters.

B. Confidentiality: The ED is exposed to all WSBA confidential information and is expected to maintain confidentiality of all WSBA confidential information.

C. Mental Application and Judgment: The ED is expected to independently manage and make decisions about all the personnel, fiscal, and administrative functions of the WSBA. This includes writing columns, articles, speeches, reports, and other activity in the service of the WSBA's mission and the legal profession. The ED's judgment is critical for maintaining the WSBA's financial stability, reputation, member relations, and the strategic positions taken by the organization. The ED must foresee and respond to emerging trends and issues to ensure the Bar is focused on its strategic goals and WSBA's considerable assets are protected.

D. Problem Solving: The ED must constantly balance the competing demands of office management, member contact, the Washington Supreme Court, and Board needs. The ED has authority to interpret or make exception to general policy or practices, initiate programs, organize office structure, create or eliminate positions, and contact court or political leaders. The ED needs to think strategically to assist the Board with ensuring long term viability of the organization. Considerable problem solving skills are required in all these areas.

F. Internal and Public Contacts: The position has daily contact with members, justices and judges, politicians, and the press. Topics range from WSBA administration and programs, to strategic directions,

to disgruntled members and citizens. In addition to all Board functions, the ED regularly attends many major committee meetings, Supreme Court meetings, and many events sponsored by sections, committees, specialty and minority bar associations as well as all Board meetings, the ABA and the Western States Annual Bar Conference.

G. Magnitude and Scope: The ED's decisions affect the financial health of the WSBA and its \$22 million-plus budget.

III. Conditions and Equipment

A. Working Conditions: It generally takes 55-65 hours per week to meet job requirements. Many tasks are time sensitive. Frequent evening and weekend work and travel is required.

B. Equipment Operation: The position must be proficient in using general office equipment and communication devices.

IV. Specifications:

A. Education Required: J.D. or successful completion of Washington's APR 6 law clerk program or other educational requirements necessary to be licensed as an Active lawyer in Washington.

Preferred: _____

B. Experience Required:

- A minimum of 5 years progressively responsible experience in management and administration, with at least 5 years in a chief management role.
- Law-related experience.
- Human resources management and administration experience.

Preferred: Association management or volunteer Board member experience.

C. Abilities/Skills Required:

- Strong ability to speak and write, give presentations and represent the WSBA.
- Demonstrated success in working with and promoting diversity.
- Demonstrated ability to work with multiple, diverse groups recognizing their interests and building respectful communication.
- Experience in developing and implementing programs
- Ability to budget and manage association's finances.
- A proven leader with ability to lead and manage a large staff.

- Outstanding communication skills.
- Ability to think and plan strategically.

Preferred:

- Direct budget responsibility of over \$23 million.
- Experience managing a multi- function organization.
- Personal qualities:
 - Integrity;
 - Resilient;
 - Adaptable;
 - Collegial;
 - Open-minded;
 - Decisive;
 - Organized;
 - Energetic/action-oriented;
 - Analytic/planning focus; and
 - A team builder.

VI. Reasonable Accommodation: Ability with or without accommodation to attend Board meetings around the state, and to make presentations and represent the Board at events and functions. Ability to communicate ideas and issues verbally and in writing.

WASHINGTON STATE BAR ASSOCIATION

Memo

To: Board of Governors

From: Ana LaNasa-Selvidge, Member Services and Engagement Manager
Destinee Evers, Practice Management Assistance Advisor
Terra Nevitt, Advancement Department Director

Date: July 11, 2018

Discussion: Electronic Legal Research Options for WSBA Member Benefits

To serve members and support the integrity of the legal profession, the WSBA contracts with a third-party vendor to provide an electronic legal research platform as a WSBA member benefit (the “Research Tool”). The Research Tool is available to all active, inactive, and emeritus status members.

The WSBA has contracted with Casemaker for the last 13 years to provide the Research Tool, and the current contract expires October 1, 2018. To provide the best quality legal research platform at a competitive cost, the WSBA launched a Request for Proposal (RFP) in June 2018. The last RFP was in 2010.

The WSBA received proposals from Casemaker and Fastcase. These are the only participants in the marketplace for bar associations’ legal research benefit offerings. A one-page high level comparison of the two proposals follows.

A critical element of assessing the two proposals was to conduct member outreach to learn about members’ experience using legal research tools, and in particular, to observe how they interact with the tools. Thus far, WSBA Staff conducted the following member engagement:

- Launched a member survey asking about general use of legal research tools.
- Conducted in-person usability tests and virtual focus groups regarding the two research tools.
- Sent eblast with options to demo both legal research tools and a survey for members to provide feedback.¹

The following are three options and additional information for the Board to consider in offering a legal research tool as a member benefit.

- Option A – Continue to offer Casemaker.
- Option B – Transition to offer Fastcase.
- Option C – Offer both Casemaker and Fastcase.

¹ WSBA is still collecting responses. The survey is set to close on July 20th.

Budgetary & Timeline Considerations

	Option A: CASEMAKER	Option B: FASTCASE	Option C: BOTH
Budget Impact: <u>Cost</u>	No significant impact	No significant impact	Approximately doubles the existing budget
Budget Impact: <u>Revenue</u>	No significant change	No significant change	Unknown
Launch Timeline	N/A ²	3 months	3 months

Proposal and Research Platform Summaries

	CASEMAKER	FASTCASE
Bar Association Relationships	State bars: 20 (not including WSBA) Local/specialty bars: 7	State bars: 30 Local/specialty bars: 11
Frequency of Updates	Cases: Available within 1 day Legislation: Available within days	
Customer Support	5 a.m. to 5 p.m. PT ³	5 a.m. to 5 p.m. PT; Available by email after hours.
Platform Features	Both vendors are launching significant updates to their platforms this year. We only evaluated the existing platforms.	
• Authority Check	Negative Citator*	Authority Check with Bad Law Bot*
• Type-Ahead*	✗	✓
• Authority Indicator	✓	✓
• Seminal Case Suggestions	✗	✓
• Search Filtering	✓	✓
• Interactive Timeline	✗	✓
• Visualization of Citations	✓	✓
• Semantic Tag Cloud*	✗	✓
• Statute Annotation	✓	✓
• Citation	Both provide public linking and the ability to copy text with the citation.	
• Note taking*	✓	✗

**See Appendix A for definitions of platform features*

² Although there would not be a disruption in Casemaker service, members would experience changes when the platform is upgraded by Casemaker at the end of this year.

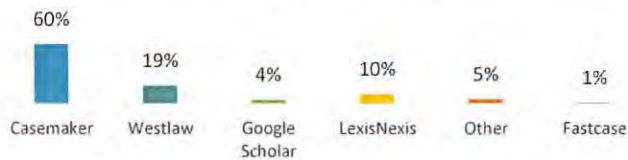
³ Someone on Casemaker staff is always on call to address system emergencies.

Member Benefits Survey

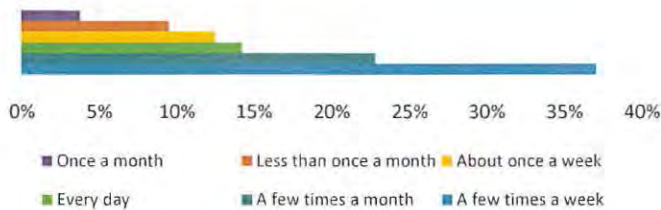
In May 2018, a survey was sent asking active, inactive and emeritus members about their overall use of legal research tools. Over 600 members participated in this survey. The following are high-level data points.

CURRENT MEMBER USAGE TRENDS

Which legal research tool do you use most often?



How often do you use it?



How is it provided to you?



MEMBER SATISFACTION

For the legal research tool members used the most:

- 85%** were satisfied overall
- 82%** were satisfied with the quality/accuracy of search results
- 78%** were satisfied with the ease of navigation
- 77%** were satisfied with the technical reliability
- 68%** were satisfied with the quality/accuracy of citation checking
- 41%** were satisfied with the customer service

RESPONDENT DEMOGRAPHICS



Open Content Box - Trends and Themes (309 responses)

- Casemaker Improvements** – Members identified ways they would like to see Casemaker improve its platform, including better annotations, easier navigation, and better search results. Several members indicated a lack of confidence in the tool's search results.
- Free Content** – Members identified the need for free subscriptions to forms, pleadings, and WSBA Deskbooks.
- Value of Member Benefit** – 25% of members stated they valued a legal research tool provided by WSBA, expressed an appreciation for helping keep costs down for a small business owner, and stated that WSBA should maintain this benefit. Less than 2% of members stated that the WSBA should no longer provide this type of member benefit.
- Outreach** – Members identified the need for awareness and trainings on this member benefit.

Platform Feature Definitions

Bad Law Bot:	A Fastcase algorithm that identifies cases with negative signals—cases that were overturned or reversed, but were subsequently cited by a court. This is not the same as a traditional citation service such as the one that Casemaker offers, which includes broader citatory signals such as “criticized,” “distinguished,” and “clarified.”
Negative Citator:	A traditional citatory that indicates whether a given case has been overturned, distinguished, etc. In Casemaker, we did identify instances where a case was flagged with a negative citatory history, but the citing case was not authoritative and was in another jurisdiction.
Notetaking:	Casemaker offers notetaking within a document, but only for the whole document, not specific passages. It does not offer any form of highlighting.
Semantic Tag Cloud:	Similar to a word cloud, Fastcase provides a list of common words used within the search results shown to help indicate key terms or language. As search results narrow, the semantic tag cloud adjusts accordingly.
Type-Ahead:	Similar to Google’s autocomplete that suggests popular searches as you type, Fastcase offers suggestions to users who are typing within the search box depending on the terms used.

Usability Tests and Focus Groups

After the member benefits survey was completed, WSBA Staff ran usability tests to explore three key questions.

1. What challenges if any, will members have with Casemaker and Fastcase?
2. For members who do not use either of these two platforms, will they indicate a preference and, if so, why do they have that preference?
3. Which platform has better search results, citation checker, and a more intuitive design?

ANALYSIS CHART

TYPE OF TESTING	IN-PERSON USABILITY TEST		VIRTUAL USABILITY TEST		VIRTUAL FOCUS GROUP
Participants and Test Information	4 participants – Casemaker and non-Casemaker users		5 participants Non-Casemaker Users		18 participants Casemaker User
	60 minutes		60 minutes		30 minutes
	Controlled Environment**		Controlled Environment**		Open Environment**
Platform	Casemaker	Fastcase	Casemaker	Fastcase	Fastcase
How easy was it to navigate?	3.75	3.25	4.2	3.0	3.56
How satisfied were you with the quality and accuracy of the search results?	3.75	3.0	4.2	3.0	3.67
How satisfied were you with the quality/accuracy of citation checking?	4.0	4.0	3.2	3.4	3.22

*Questions used a Likert Scale of 1-5 (1 being very dissatisfied, 5 being very satisfied). The chart above shows the weighted averages.

**In controlled environments, members were guided through a legal research exercise and staff observed members interaction with the tools. In the open environments, members were not guided by staff, did not receive a specific exercise to follow and staff were not observing the interaction between members and the tools.

CHALLENGES

WSBA Staff also conducted qualitative interviews and collected feedback through open content survey questions. Significant issues were identified consistently with both platforms. The following is a summary of those issues.

CASEMAKER

- Inaccurate Search Results – When running the same search query, members came up with different search results in the annotator. This was consistent with the in-person and virtual usability test, and it also came up individually in the Member Benefits Survey conducted in May 2018.
- Freezing – Member in all three groups experienced slowness/delays, or at times, members would conduct a search and the screen would freeze up, requiring members to log-off and start over again.

FASTCASE

- Outline View – The link to this feature is located on the homepage and it is how users access the full list of state or federal materials. It is not intuitive to members who are accustomed to a landing page with a list of materials already on the screen, as is the case for Casemaker, Westlaw, and Lexis Nexis.
- Annotator – Fastcase utilizes the letter icon “A” for its annotator function, yet when you hover over it, nothing comes up to signal to the user what that feature does.
- Washington Case Law – Members who tested out Fastcase outside of the usage studies indicated that they were not able to find Washington State materials. This is likely related to the Outline View issue described above.

FINAL NOTE

Overall, members were fairly satisfied with both platforms, although members indicated a slight preference towards Casemaker over Fastcase. This is despite the fact that they experienced a smaller number and degree of errors in Fastcase than in Casemaker. Based on the observations in the controlled environments, it is possible this trend is due to the home page design of the platforms. Casemaker’s landing page is designed more like traditional legal research tools and members who already have access to Westlaw or Lexis Nexis have shown a preference for that tool. Fastcase, by contrast, requires a user to learn its Outline View function. More guided tutorials and focus groups would be required to replicate and confirm these preferences to better understand this trend.

WASHINGTON STATE BAR ASSOCIATION

Memo

To: Board of Governors

From: Kim Hunter, Governor, District 8
Terra Nevitt, Director of Advancement
Ana LaNasa-Selvidge, Member Services and Engagement Manager

Date: July 11, 2018

Update: Update and recommendation on how to move forward to support our members' identified need for additional health insurance options.

With rising health care costs and uncertainty with regard to the Affordable Care Act, members have been reaching out to WSBA over the past year asking, "What can the Bar do to provide health insurance?" Member inquiries have come in through the Practice Management Assistance Program, the WSBA Board of Governors meetings and Section list serves. Over the last few months the Member Services and Engagement Team has worked with Governor Kim Hunter to better understand the health care needs of our members and any role the bar association might be able to play.

Landscape Analysis

Preliminary research indicates two ways in which bar associations (voluntary and mandatory) are offering their members access to health insurance.

- Private Exchange – A private exchange offers members an offering of health insurance products, separate from what is offered on the state or federal exchange. Because of the exclusivity of the exchange these products may be more competitive than other publicly-available products.
- Multiple Employer Welfare Arrangement – A MEWA, also known as an Association Health Plan (AHPs), allows individual employers to form a group for the purposes of seeking health insurance. By operating as a group, individuals and small employers can access large group rates, which may be more competitive than individual and small group plans.

Exchange	MEWA
<ul style="list-style-type: none"> • Private exchanges may be perceived as less risky than state and federal exchanges and, as a result, insurance companies may be willing to offer insurance products that are of better value. • Members should have access to more than one health insurance product. • There is no cost to the bar to set up a health insurance exchange.* • There is potential for the bar to receive a royalty to help cover the bar's cost to administer the program.* 	<ul style="list-style-type: none"> • Requires setting up a trust and engaging the services of outside counsel. • Requires a pool large enough to attract a competitive health insurance product. • May require more WSBA staff time to monitor the plan and recruit new members to join the pool and ensure its success. (See note below regarding the State Bar of TX staffing model) • MEWAs are single plans and would not offer many options for members. • Due to a pending rule change, there is some regulatory uncertainty as to the specific MEWA the WSBA could set up and how it would benefit solo practitioners.

* Based on Member Benefits Inc. proposal.

WASHINGTON STATE BAR ASSOCIATION

Potential Vendor

Member Benefits, Inc. is a Florida based company founded in 1984, which creates private insurance exchange markets for associations, including the State Bar of Texas, the State Bar of Georgia, the Missouri Bar, and the Florida Bar. In addition to basic health insurance, they can offer Dental/Vision, long term disability and other benefits. We have reached out to all four bar associations to better understand how their programs operate and their experience working with Member Benefits Inc.

	The Florida Bar	State Bar of Georgia	State Bar of Texas	The Missouri Bar
Program Offering	Exchange, with other member benefits. Exploring a MEWA.	Exchange, with other member benefits.	Exchange. Recently launched a MEWA.	Exchange, with other member benefits.
Program Start	August 1993	May 2009	September 2013	September 2015
# Participants/ # Membership	11,000/106,000	3,033/50,000	15,000/102,000	600/30,000

Overall Feedback

- *Vendor Relationship* – All four bar associations expressed positive experiences working with Member Benefits Inc. The vendor reportedly has a track record of great customer service and quickly follows through on issues that arise.
- *Capacity* – 3 of the 4 state bars are able to provide this member benefit with a minimal investment of staff time. The two key tasks to support this service include redirecting member inquiries to the vendor and collaborating with the vendor to conduct marketing and outreach. The State Bar of Texas is the exception and their program requires having a licensed broker on staff. This has allowed them to also launch their new MEWA.
- *Growth* – The bar associations report that each year enrollment has grown.
- *Access for Out of State Members* – 2 of the 4 are able to offer health insurance to members outside of their state. The ability to do so seems to vary depending on state regulations.

Recommendation

We recommend pursuing an affiliation with Member Benefits, Inc. to setup a private health insurance exchange for WSBA members.

WASHINGTON STATE
BAR ASSOCIATION
Mandatory Malpractice Insurance Task Force

MEMO

To: WSBA Board of Governors
From: Hugh Spitzer, Chair of Mandatory Malpractice Insurance Task Force
Douglas J. Ende, WSBA Chief Disciplinary Counsel, Staff Liaison
Date: July 10, 2018
Re: Interim Report of the Mandatory Malpractice Insurance Task Force

Attached is the Mandatory Malpractice Insurance Task Force's Interim Report to the Board of Governors documenting its work thus far and setting forth its work plan through January 2019.

Enclosure

Mandatory Malpractice Insurance Task Force

Interim Report to Board of Governors

July 10, 2018

On September 28, 2017, the Board of Governors established the Mandatory Malpractice Insurance Task Force and issued a Charter to guide the Task Force's work. The Charter asked the Task Force to focus on the nature and the consequences of uninsured attorneys, to examine current mandatory malpractice insurance systems, and to gather information and comments from WSBA members and other interested parties. The Charter also charged the Task Force with determining whether to recommend mandatory malpractice insurance in Washington, developing a model that might work best in this state, and then drafting rules to implement that model.

The Task Force has 18 members, including attorneys, a federal judge, a limited license legal technician (LLLT), industry professionals, and members of the public. The list of members is attached. We were asked to provide an interim report at the July 2018 Board of Governors meeting, and the Charter directs submittal of a final report by January 2019. The group has met monthly since last January. This Interim Report summarizes:

- Key information acquired by the Task Force thus far,
- Concerns raised by the membership in comments to the Task Force,
- Possible regulatory approaches, including a free market model the Task Force is tentatively considering recommending, and
- The need for certain categories of exemptions.

Members of the Task Force started with open minds but widely divergent ideas about mandating malpractice insurance for lawyers in Washington. But as the group deliberated carefully over its potential recommendation and reached a tentative consensus, Task Force members expressed a belief that we should move boldly and not to shy away from a difficult recommendation. Task Force participants stressed that the WSBA has a duty to protect the public and maintain the integrity of the profession. Consequently, the Task Force is focusing on the risk of injury to the *public* that arises from uninsured lawyers, who constitute a small percentage of Washington attorneys. A license to practice law is a privilege, and no lawyer is immune from mistakes. The members emphasized that a key goal of this project is to recommend effective ways to ensure that clients are compensated when attorneys make mistakes. The Task Force members expressed that malpractice insurance (or lack thereof) has a



significant impact on clients, and that it is appropriate for lawyers to ensure their own financial accountability.

This Interim Report describes the Task Force's tentative conclusion that:

- Malpractice insurance should be mandated for Washington-licensed lawyers, with specified exemptions;
- Several categories of attorneys should be exempt. In Oregon, for example, exempt groups include, among others: government attorneys; in-house private company lawyers; attorneys providing services through non-profit entities, including pro bono services; retired attorneys; full-time arbitrators; and judges and law clerks;
- Minimum coverage levels should be mandated, *e.g.*, \$100K/\$300K, \$250K/\$250K, \$250K/\$500K, or \$500K/\$500K;
- Attorneys should be required to obtain minimum levels of professional liability insurance in the private marketplace, rather than establishing a "captive" single-carrier system. And the basic requirements should be simple and straightforward, avoiding multiple requirements that would interfere with the insurance market's ability to offer flexible and affordable policies.

The balance of this interim report describes our findings thus far, the concerns we have heard from WSBA members, a description of the options we considered, and more detail on where the Task Force is headed. With an approach tentatively identified, the next steps for the Task Force include developing the details of a practicable free market approach for Washington State and exploring in detail what potential limits, coverage levels, other requirements and exemptions should be included—keeping in mind the concerns raised by WSBA membership. We continue to receive useful technical assistance from ALPS, the WSBA's endorsed professional liability insurance provider, as well as from mandatory program administrators in Oregon and Idaho.

The Task Force will continue to meet in the coming months to discuss modeling and to draft its proposal, including any necessary rule changes, for the Board's consideration. We expect to publish an article in the September issue of *NWLawyer* updating the membership on our work and our preliminary recommendations, with the intent of soliciting additional member comments. After considering member suggestions, the Task Force will finalize its proposal for submission to the Board by January 2019.

If the Board of Governors desires further information on the specifics of the Task Force's work, the Board is encouraged to review the Task Force's detailed meeting minutes and meeting materials available at <https://www.wsba.org/insurance-task-force>.

TASK FORCE APPROACH TO INFORMATION-GATHERING

Since its first meeting in January 2018, the WSBA Mandatory Malpractice Insurance Task Force has focused on gathering the information necessary to make a considered recommendation on whether professional liability insurance should be required in some form for Washington lawyers. During this information-gathering phase, the Task Force obtained information from the following sources, among others:

- WSBA data on Washington attorneys, their practice areas, how they practice (*e.g.*, solo/small firm/large firm/in-house), malpractice insurance levels, WSBA disciplinary information, and information about the Client Protection Fund;
- Jurisdictions with mandatory malpractice insurance programs in place or under consideration (Oregon and Idaho mandate malpractice insurance, and Nevada and California are considering doing so);
- A jurisdiction (Illinois) that implemented a proactive management-based regulation (PMBR) model;
- A law professor regarding empirical research on lawyers who go uninsured, other academic studies of the subject, and an ABA study of malpractice insurance (*2015 ABA Profile on Legal Malpractice Claims*);
- Experienced insurance industry professionals, including insurance brokers and underwriters;
- A legal malpractice plaintiff's lawyer;
- WSBA members through comments submitted to the Task Force.

KEY FINDINGS

What follows is the most significant data acquired by the Task Force regarding problems associated with lawyers who go uninsured, characteristics of malpractice insurance, and other relevant information.

1. Approximately 32,000 lawyers have active Washington licenses to practice law.
2. Over the last three reporting years, 14% of Washington lawyers in private practice have consistently reported being uninsured. The vast majority of Washington attorneys representing private clients carry malpractice insurance. (This excludes the 39% of licensed Washington lawyers who annually report that they are not in private practice. This excludes, for example, lawyers who work in public sector positions or in-house counsel jobs—attorneys who typically do not carry professional liability insurance.)
3. Lawyers who practice in solo or small firms are most likely to be uninsured. According to 2017 voluntary demographic information reported by Washington lawyers as part of the annual licensing process, approximately 28% of solo practitioners reported being uninsured.

4. Solo and small firm practitioners represent a disproportionate share of the malpractice claims. According to the *2015 ABA Profile on Legal Malpractice Claims (2015 ABA Profile)*, claims against lawyers in firms of five or fewer lawyers represented over 65% of claims during the period of 2012-2015. In Oregon, that state's Professional Liability Fund in 2015 paid out \$6.52 million in claims against solo practitioners, only \$1.64 million in claims against lawyers in small firms (2-5 lawyers), and \$1.71 million in claims against attorneys in large firms (15 or more).
5. According to the *2015 ABA Profile* and information received from ALPS, the practice areas of personal injury, real estate, family law, estate planning, certain corporate practices, and collection/bankruptcy have the highest incidences of malpractice claims. Not surprisingly, insurance premiums tend to be higher in those practice areas.
6. Most attorney misconduct grievances and disciplinary actions involve solo and small firm practitioners.
7. Malpractice plaintiffs' lawyers report numerous instances of worthy claims that they must reject for representation because the defendant lawyer is uninsured, making a recovery much less likely.
8. Over the last five years, WSBA Client Protection Fund application statistics indicate that 11% of applications were denied because they described instances of malpractice rather than theft or dishonest conduct. (The Client Protection Fund compensates clients only for lawyer theft or dishonest activities.)
9. According to an ABA study, 89.1% of national malpractice claims are resolved for less than \$100,000 (including claims payments and expenses). 95.2% of malpractice claims are resolved for less than \$250,000. ALPS reports that based on its experience, over the past 10 years in Washington State, about half of all its claims were resolved without payment, and 97% of its closed claims were resolved for less than \$250,000, including defense costs; where payments were made, its average loss payment was \$60,000, and average loss expenses were about \$20,000.
10. Malpractice insurance premiums vary significantly based on many factors, including among others: years in practice, area of practice, size and practice mix of a firm, attorney history with malpractice claims and disciplinary actions, state characteristics, and whether lawyers are practicing full-time or part-time.
11. In Idaho, where mandatory malpractice began this year (2018), the average premium was approximately \$1,200 for ALPS policies newly issued to solo practitioners (the primary demographic of uninsured lawyers). That amount will likely increase annually by about 15% as the lawyer's length of exposure grows year-over-year until they are fully matured after 6 years. Average premium number, however, can vary broadly based on the firm's principal area(s) of practice.
12. New lawyers pay noticeably lower malpractice insurance premiums than more experienced lawyers. This is because virtually all malpractice insurance policies are written on a "claims made" basis, meaning that if a claim is filed against an insured

attorney today for an event that occurred two years ago, that lawyer's *current* insurer covers the claim, whether or not that insurer provided a policy when the claimed event occurred. Insurers set premiums to provide resources to pay claims on incidents that happened in the past. A first-year lawyer was not practicing in the past, and thus represents a lower risk to insurers. New attorneys can expect their premiums to gradually increase by an average of 15% year-over-year for the first five years after they start practice, and then those premiums level off.

13. Some malpractice insurance policies include a free extended reporting period for claims, or "tail" coverage for attorneys who have been with a specific insurance provider for a period of consecutive years (usually five) and retire. Tail coverage can be expensive (an unlimited tail can be up to 300% of the expiring premium) for retiring lawyers who do not qualify for a free extended reporting period endorsement or who do not have a relatively long history with a particular carrier.
14. In Washington State, approximately 56% of lawyers connect with their pro bono clients through legal assistance providers, other non-profit organizations, or bar groups. Organized *pro bono* programs provided through nonprofit organizations frequently provide malpractice insurance for participating attorneys.
15. There is a disparity in Washington's regulatory/financial responsibility requirements for different legal license types (LLTs/LPOs/lawyers). Court rules require that LLTs and LPOs demonstrate financial responsibility in order to be licensed, but lawyers do not have a similar requirement.
16. Virtually all physicians carry malpractice insurance because it is widely required by hospitals as a condition of admitting privileges.
17. On average, lawyers are practicing longer, and once lawyers reach the age of 71, the number in private practice who carry malpractice insurance drops precipitously.
18. Oregon-licensed lawyers with offices in that state must belong to the Oregon State Bar's Professional Liability Fund, paying a flat assessment (premium) of \$3,500 per year for coverage of \$300K/\$300K with a \$50,000 claims expense allowance and no deductible. The Oregon program was established in 1977, when lawyers were having difficulties obtaining malpractice insurance. The Oregon program provides a number of robust loss prevention programs and continues to be viewed favorably among attorneys in that state.
19. Idaho's malpractice insurance mandate began in 2018, based on a free-market model and requiring minimum coverage of \$100K/\$300K. Thus far, no Idaho attorneys have reported an inability to obtain the required insurance.
20. The State Bar of Nevada last month submitted a proposal to that state's supreme court recommending that Nevada attorneys be required to obtain \$250K/\$250K in coverage on the private market.
21. The vast majority of common law countries outside the U.S. (as well as civil law countries) require some form of malpractice insurance for lawyers in private practice.

For example, the minimum coverage requirements in most Australian states is either AUS\$1.5 million or AUS\$2 million (US\$1.11 million or US\$1.48 million); in British Columbia the required minimum is CDN\$1 million (US\$760,000); in Singapore the requirement is S\$1 million (US\$730,000); and for solicitors in England and Wales the minimum is £2 million (US\$2,628,000).

EXPRESSED CONCERNS FROM MEMBERSHIP

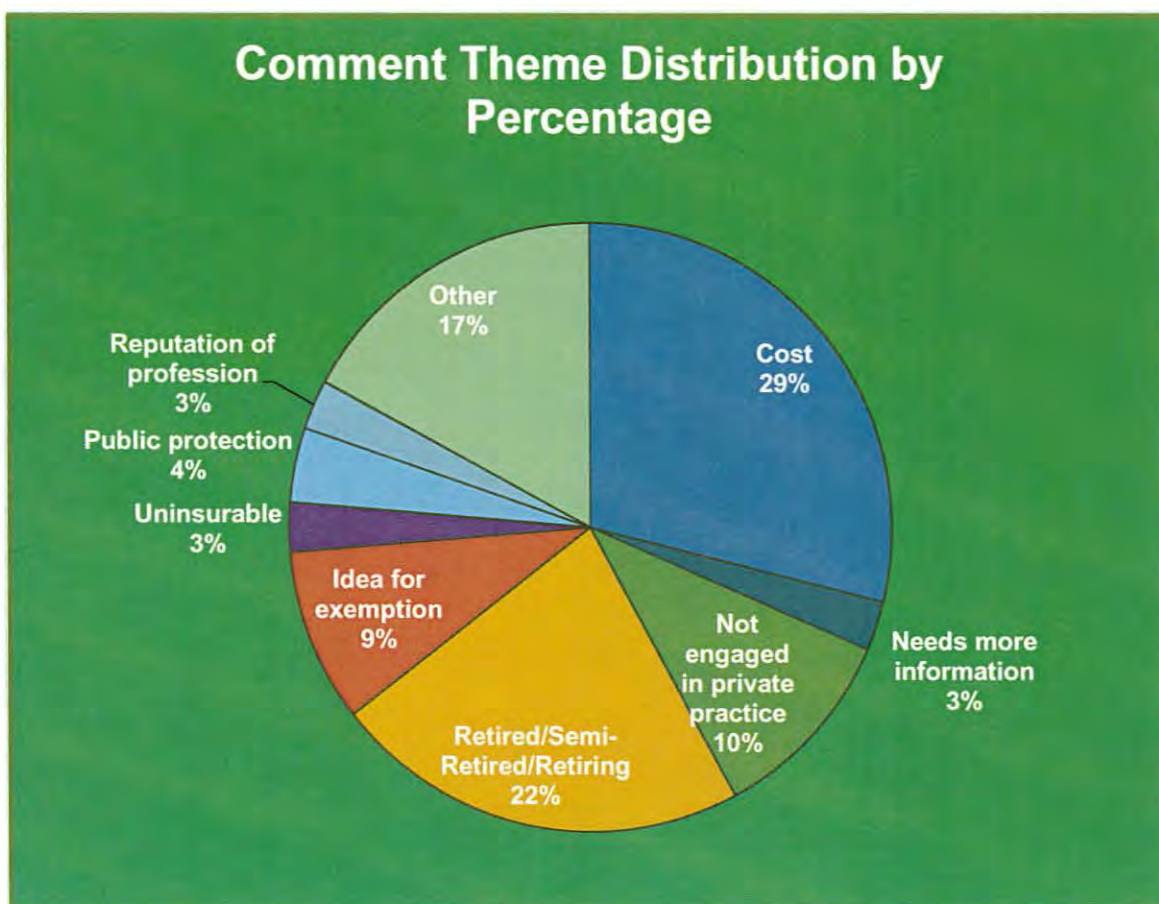
A number of concerns have been expressed by some WSBA members regarding the concept of requiring attorney malpractice insurance. The Task Force compiled comments primarily provided through letters and emails to the Task Force and letters to *NWLawyer*. As of June, 2018, 69 comments were received. The bulk of the comments expressed one or another of the following:

1. A concern about perceived prohibitive costs for insurance;
2. Concerns that retired/semi-retired/retiring attorneys will no longer be able to practice;
3. The desire to make malpractice insurance requirements inapplicable to lawyers not engaged in private practice (*e.g.*, government lawyers, in-house counsel, non-profit legal assistance or defense counsel);
4. Possible unfairness of requiring malpractice insurance for lawyers (often retired/semi-retired/retiring lawyers) who provide mainly pro bono services;
5. The perception of uninsurability (at reasonable cost) of attorneys in certain specialties, or attorneys who practice solely before specialized non-Washington State courts.
6. Ideas for exemption – commentator suggested one or more specific exemptions;
7. Needs more information – commentator expressed a need for more information;
8. Licensed but not actively practicing – commentator suggested insurance not necessary;
9. Public protection – commenter raised issues of public protection;
10. Reputation of the profession – commentator noted possible impact of imposing malpractice insurance on the public's perception of the profession;
11. Retired/semi-retired/retiring – commentator noted possible impact of imposing malpractice insurance on retirees;
12. Uninsurable – commentator indicated he or she is unable to obtain insurance;
13. Malpractice insurance increases meritless claims against lawyers;
14. Malpractice insurance encourages sloppy practice because it reduces risk; and
15. The WSBA should primarily serve lawyers, not the public.

The vast majority of comments came from solo practitioners and small firm practitioners, many of whom do not currently carry professional liability insurance. 47% of the comments thus far

expressed opposition to an insurance mandate. 45% did not indicate support or opposition, and many of those suggested exemption categories, such as exemptions for government or corporate lawyers, exemptions for *pro bono* activities, or exemptions for semi-retired lawyers who engage in a limited private practice for family and friends. 8% of responders expressed support for mandating insurance.

The following chart displays the variety of concerns expressed.



TENTATIVE CONCLUSIONS AND POTENTIAL APPROACHES

After accumulating a considerable amount of data and other information, and after hearing from other states, from bar regulators, from industry professionals, and from attorneys, the Task Force reached a consensus that uninsured lawyers pose a distinct risk to their clients and themselves.

While it may be appropriate for attorneys to evaluate and assume personal risks created by lack of professional liability insurance, we concluded that it is simply not fair for the clients. Clients of uninsured lawyers often have a difficult time obtaining compensation from those attorneys after a malpractice event, and an even more difficult time finding legal representation for quite

legitimate claims against those uninsured lawyers—malpractice plaintiff lawyers simply cannot afford to handle those claims, and the WSBA’s Client Protection Fund is precluded from making payments based on malpractice.

In the Task Force’s view, the WSBA has a duty to protect the public and maintain the integrity of the profession. Lawyers make mistakes. A license to practice law is a privilege, and no lawyer should be immune from those mistakes.

The Task Force considered a number of possible regulatory approaches for possible recommendation to the WSBA Board of Governors. These are listed below, together with a short list of considerations relevant to each approach.

1. Do nothing and maintain the status quo

- No resource cost or fiscal impact on WSBA
- Does not address the identified problems for clients in any way

2. Implement a Proactive Management-Based Regulation model (e.g., Illinois “PMBR” model, which increases training requirements for uninsured lawyers, particularly in practice management and bookkeeping).

- Directly addresses issues of competence/practice management but not financial responsibility for professional errors
- Practical effect of PMBR model in Illinois not yet known
- May reduce attorney errors, but does not provide protection to clients when claims do arise
- May encourage acquisition of insurance, but insufficient evidence at this time

3. Implement more extensive malpractice insurance disclosure requirements (e.g., South Dakota model, which requires large-print notice of lack of malpractice insurance on every uninsured lawyer’s stationery).

- Low cost to administer
- Impact on conduct appears significant in South Dakota, although the potential impact in Washington is unknown
- Appears to encourage acquisition of insurance
- Does not address financial responsibility when professional errors occur

4. Combine PMBR with more extensive disclosure requirements

(Combine 2 and 3 above, *i.e.*, require uninsured lawyers to both take annual courses on risk reduction, practice management and bookkeeping and disclose lack of insurance).

- Double requirement of extra mandatory training courses and vivid disclosure to clients of lack of insurance might cause many uninsured attorneys to purchase coverage
- Does not address financial responsibility when professional errors occur

5. Implement mandatory malpractice insurance through a free market model (e.g., Idaho model).

- Provides diverse coverage options to members
- Free market allocates risks and costs based on practice character, claims history, and other underwriting standards
- Highly competitive market provides reasonable cost and different coverage, exclusions, and deductibles (Idaho reports no lawyers unable to obtain insurance)
- Modest operating costs
- Guarantees available coverage for vast majority of client claims
- Adverse reaction by members who feel "forced" to purchase insurance that they don't want.

6. Implement professional liability fund model (e.g., Oregon model, requiring all private practice lawyers with a primary office in Oregon to participate in the Bar-operated Professional Liability Fund, with coverage of all members).

- Coverage available for all members
- Robust practice management, member support, and claims support systems
- Relatively high annual premium (in current market) and high operating costs
- Large staff required to administer and significant fiscal impact to implement
- Choice restricted to single provider
- Spreads risks across all classes of lawyers, with internal "cross-subsidization"

7. Consider other approaches (e.g., allowing letters of credit or surety bonds for uninsured lawyers)

- Client ability to obtain sufficient recovery on surety bonds is unclear
- Letters of credit are as expensive or more expensive than insurance premiums, and would not typically provide defense costs for covered attorneys

As noted at the beginning of this Interim Report, the Task Force has tentatively concluded that it should recommend the following program to the Board of Governors:

- Malpractice insurance should be mandated for Washington-licensed lawyers, with certain exceptions. All attorneys subject to the requirement would be required to annually certify that they carry, and will continue to carry, professional liability insurance at or above the required minimum level.
- Minimum coverage levels should be mandated, *e.g.*, \$100K/\$300K, \$250K/\$250K, \$250K/\$500K, or \$500K/\$500K;
- Coverage should be “continuing,” meaning continued coverage from the initial coverage date, and policies should not be permitted that exclude attorney acts prior to the current year. However, because of expense constraints, lawyers obtaining malpractice insurance policies for the first time should not be required to obtain insurance that covers their acts prior to the coverage date.
- Attorneys should be required to obtain minimum levels of professional liability insurance in the private marketplace, rather than establishing a “captive” single-carrier system. And the basic requirements should be simple and straightforward, avoiding multiple requirements that would interfere with the insurance market’s ability to offer flexible and affordable policies.
- Several categories of attorneys should be exempt. In Oregon, for example, exempt groups include, among others: government attorneys, in-house private company lawyers, attorneys providing services through nonprofit entities, including pro bono services, retired attorneys, full-time arbitrators, and judges and law clerks.

NEXT STEPS FOR THE MANDATORY MALPRACTICE INSURANCE TASK FORCE

The Task Force consensus described above is tentative, and based on the information we have obtained thus far and the Task Force’s consideration of that information. In the coming months, the Task Force will focus its efforts on:

- Considering feedback from the Board of Governors;
- Ramping up information efforts among WSBA members, and obtaining and considering additional comments received;
- Detailing the recommended malpractice insurance mandate, including the specific required coverage minimums;
- Identifying in detail the recommended exemptions from the professional liability insurance requirement; and
- Drafting a proposed Court Rule for the Board of Governor’s consideration

The Task Force has every expectation that it will be able to provide a final report to the Board of Governors by January 2019, as specified in the Charter. We look forward the Board’s questions and comments regarding this interim report.

MEMBERS, MANDATORY MALPRACTICE INSURANCE TASK FORCE

1. Hugh D. Spitzer (Chair), University of Washington School of Law, Professor of Law
2. John Bachnofer, Jordan Ramis PC
3. Stan Bastian, United States Courthouse
4. Dan Bridges, McGaugher Bridges Dunlap PLLC
5. Christy Carpenter, MyLLLT.com
6. Gretchen Gale, Attorney at Law
7. P.J. Grabicki, Randall Danskin PS
8. Lucy Isaki, Attorney at Law
9. Mark A. Johnson, Johnson Flora Sprangers PLLC
10. Rob Karl, Public Member, Vice-President, Sprague Israel Giles Insurance
11. Kara Masters, Masters Law Group
12. Evan McCauley, Jeffers Danielson Sonn & Aylward PS
13. Brad Ogura, Public Member
14. Suzanne Pierce, Davis Rothwell Earle & Xochihua
15. Brooke Pinkham, Staff Director, Center for Indian Law & Policy, Seattle Univ. Law School
16. Todd Startzel, Kirkpatrick & Startzel PS
17. Stephanie Wilson, Head of Reference Services, Seattle Univ. Law School
18. Annie Yu, State of Washington Office of the Attorney General

WSBA Task Force Staff Liaison

Douglas J. Ende, WSBA Chief Disciplinary Counsel

MEMORANDUM

To: The President, President-Elect, Immediate-Past President, and Board of Governors

From: Ken Masters, Chair, Civil Litigation Rules Drafting Task Force

Date: July 11, 2018

Re: Suggested Amendments to CR 1; New CR 3.1; Amendments to CR 11; Amendments to CR 26; Amendments to CR 37; New CR 53.5; Amendments to CR 77

FIRST READING: To approve suggested amendments to CR 1, New CR 3.1, amendments to CR 11, CR 26, CR 37, New CR 53.5, and amendments to CR 77.

THE HISTORY OF THESE SUGGESTED RULES

Escalating Cost of Civil Litigation Task Force

Beginning in 2001, our Supreme Court began to develop a Civil Legal Needs Study. By 2003, the Study had established that 88% of low income people did not obtain the assistance of a lawyer for their legal problems.

A 2009 survey of the ABA's Litigation Section that received 3,300 responses showed 81% believed litigation was too expensive, and 89% believed litigation costs are disproportionate for small cases. The same year, a WSBA member survey that received 2,309 responses showed that 75% *agreed* (39%) or *strongly agreed* (36%) that litigation has grown too expensive.

In response, this Board of Governors chartered its Task Force on the Escalating Costs of Civil Litigation (ECCL) in 2011. The Task Force and its subcommittees, which included volunteers not on the Task Force, contained a veritable who's who of litigators (12), judges (4), and other access-to-justice champions (33). The ECCL was chartered to:

Assess the current cost of civil litigation in Washington State Courts and make recommendations on controlling those costs. "Costs" shall include attorney time as well as out-of-pocket expenses advanced for the purpose of litigation. The Task Force will focus on the types of litigation that are typically filed in the Superior and District Courts of Washington.

The initial 18-month charter was extended three times. In 2015, the ECCL submitted its **final report** to the Board of Governors, with numerous recommendations.

Also in 2015, the Civil Legal Needs Study was updated. It showed little improvement in most areas, and a worsening in some.

The BOG's Adopted Recommendations

Accepting the ECCL Report, the Board of Governors determined to study its recommendations, one by one, over the course of an entire year. After extensive study and discussion, including feedback from a wide variety of stakeholders, of the dozen major areas in which the ECCL made recommendations, the BOG wholly adopted six, and partially adopted two, in **July 2016**:

Wholly adopted ECCL recommendations:

- Initial Case Schedules
- Judicial Assignment
- Mandatory Discovery Conferences
- Mandatory Initial Disclosures
- Pretrial Conferences
- Early Alternative Dispute Resolution

Partially adopted ECCL recommendations:

- Proportionality (rejected) & Cooperation (adopted)
- District Court (adopting some, but not all recommendations)

The BOG shared all of the above information with the Supreme Court, which indicated an interest in seeing suggested rules to implement these recommendations.

The ECCL Rules Drafting Task Force

The Board of Governors therefore chartered this Rules Drafting Task Force in November 2016, to suggest rules to implement the BOG's eight categories of recommendations. Specifically, the RDTF was chartered to

- review the recommendations of the Board of Governors addressing the ECCL Task Force Report and determine whether amendments to Washington's Civil Rules are needed to implement the recommendations;
- prepare draft amendments to the Superior Court Civil Rules and/or the Civil Rules for Courts of Limited Jurisdiction (together with necessary and appropriate conforming amendments to other rules);
- solicit and receive input from lawyers, judges, and other interested persons and entities, on the suggested amendments;
- after consideration of the input, present a set of suggested rule amendments to the Board of Governors.

The roster – an outstanding array of genuine Rules Geeks, including four former Chairs of the WSBA Rules Committee, judges from the district, superior, and appellate courts, and numerous experienced litigators – is attached.

The RTDF divided itself into the following subcommittees:

Initial Case Schedules, chaired by Roger Wynne

Individual Judicial Assignments and Pretrial Conferences, chaired by Hillary Evans Graber

Early Discovery Conferences, chaired by Hon. John Ruhl

Initial Disclosures, chaired by Rebecca Glasgow

Cooperation, chaired by Jane Morrow

Mediation, chaired by Averil Rothrock

These groups studied the original ECCL Report, the Board of Governor's Report, numerous other studies and original sources, numerous other state and federal court rules, and our own civil rules. They gradually developed draft rules, which were then further studied/scrubbed by the RDTF as a whole.

Once acceptable drafts were developed, the suggested rules were vetted to a wide array of stakeholders. *See attached Stakeholders List.* These included a wide array of WSBA Sections, judicial organizations, and minority and specialty bars. RDTF proceedings, drafts, etc. were posted on the WSBA website, and input was widely solicited. All input was gratefully accepted, and carefully reviewed.

Based on the comments received, further redrafting/editing/scrubbing occurred. Eventually, the RDTF voted on each suggested rule, making additional amendments, edits, and other necessary changes, in response to stakeholder feedback.

The Culmination of Roughly a Decade of Volunteer Dedication

This long, careful, and painstaking process has produced the proposals discussed below. The WSBA has invested essentially a decade of effort – literally thousands, or perhaps even tens-of-thousands of hours of volunteer dedication – into producing these suggestions.

The RDTF firmly believes these suggestions have a real potential to reduce the cost of civil litigation for all Washington citizens, for the reasons specified in the original ECCL Report, in the Board's Report, and below. We highly commend them to you.

THE SUGGESTED RULES:

CR 1: Cooperation

The RDTF focused on a 15-month endeavor to draft civil rule proposals recognizing the principle of cooperation adopted by the Board of Governors. Although there appears to be a general consensus that cooperation is an essential element to just, speedy, and inexpensive civil litigation (just as it so commonly is in criminal litigation) there currently is no provision expressly requiring cooperation in the Civil Rules.

The consensus on the RDTF was to embody the general principle, and then to draft specific rules. To this end, the RDTF focused on the cooperation principle stated on page 28 of the ECCL's Final Report:

[The Civil Rules] shall be construed, administered and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action.

This ECCL recommended rule amendment came directly from CR 1 – SCOPE OF RULES of the Washington State Rules for Superior Court.

The RDTF further investigated where the duty to cooperate arises in the law. All court rules must be read in light of attorneys' duties and principles embodied in the Rules of Professional Conduct. Among other things, the RPCs require that

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

RPC 3.2. The term "reasonable" is defined as follows in RPC 1.0A(h):

"Reasonable" or "reasonably" when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer.

The RTDF ultimately concluded that lawyers have a duty of "reasonable cooperation" to secure the just, speedy, **and inexpensive** determination of every action.

In light of the above RPCs, and others, "reasonable cooperation" suggests efforts to expedite litigation consistent with the prudence and competence required of all lawyers in pursuing the interests of their clients, including treating everyone with courtesy and respect in all phases of the litigation. *See, e.g.*, RPC 1.1 ("A lawyer shall provide competent representation to a client"); RPC 1.3 ("A lawyer shall act with reasonable . . . diligence in representing a client") & Comment [1] ("The lawyer's duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect"); RPC 3.4 ("A lawyer shall not: (a) unlawfully obstruct another party's access to evidence . . .; (d) in pretrial procedure, make a frivolous discovery

request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party").

All of this is consistent with an attorney's duties as an advocate, as the RPC Preamble makes clear:

(1) A lawyer, as a member of the legal profession, is a representative of clients, an officer of the court and a public citizen having special responsibility for the quality of justice.

(2) . . . As advocate, a lawyer conscientiously and ardently asserts the client's position under the rules of the adversary system. . . .

. . .

(5) . . . A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials.

. . .

(9) . . . These principles include the lawyer's obligation conscientiously and ardently to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

Beyond reading "reasonable cooperation" in light of attorney ethical duties – always a must with any court rule¹ – the RDTF did not believe it was necessary or advisable to define "reasonable cooperation" in the rule itself. As a practical matter, court rules generally do not define their own terms (that is far more common in statutes).

Rather, courts interpret the language of court rules, preferring plain language over technical interpretations. Common English definitions of "cooperation" include, the "actions of someone who is being helpful by doing what is wanted or asked for: common effort"; the "act of working together to come up with the most efficient and cost-effective solution to a problem or issue"; and "people working toward a common end." While an attorney's advocacy duties within our adversary system may sometimes preclude a fully "common end" approach, making a "common effort" to resolve the parties' dispute with "the most efficient and cost-effective solution to a problem or issue" is fully consistent with those duties. That is the spirit of this new rule: working together to secure the just, speedy, and inexpensive determination of every action, consistent with the best interests of each client.

¹ Although *pro se* litigants will also have to follow these rules, they are held to the standard of care of a lawyer, so are expected to meet the ethical standards as well.

Suggested CR 1 is a broad statement of purpose whose point is to increase awareness of its overarching principles. Ultimately, cooperation will be case and fact specific and will be developed not only on a case-by-case basis, but more so on an issue-by-issue basis. Some objected that this would encourage more litigation. Perhaps. But the RTDF's objective was not to reduce necessary litigation. Rather, it was to reduce *the costs* of that litigation. Requiring reasonable cooperation among all those concerned is highly likely to achieve that end.

New CR 3.1: Initial Case Schedules

The RTDF recommends a new Civil Rule 3.1, and an amended Civil Rule 26(b)(5), to require initial case schedules where appropriate. New CR 3.1(a) would set the default requirement for a Superior Court to issue an initial case schedule with deadlines stated in terms of weeks before the trial date, which would be set for 52 weeks after the action is commenced. Below is a helpful chart illustrating how those deadlines would fall on a calendar for an action commenced January 2.

Illustration of a Proposed Initial Case Schedule

<i>EVENT</i>	<i>Weeks before TRIAL</i>	<i>EXAMPLE WITH DATES</i>
Filing	52	Tuesday, January 2, 2018
Initial discovery conference	45	Tuesday, February 20, 2018
Discovery plan and status report	43	Tuesday, March 6, 2018
Initial disclosures	39	Tuesday, April 3, 2018
Joint selection of mediator, if any	37	Tuesday, April 17, 2018
Appointment of mediator if parties do not jointly select	36	Tuesday, April 24, 2018
Notice of compliance with early mediation	32	Tuesday, May 22, 2018
Expert disclosures, primary	26	Tuesday, July 3, 2018
Expert disclosures, rebuttal	20	Tuesday, August 14, 2018
Discovery cutoff	13	Tuesday, October 2, 2018
Dispositive motions, filing deadline	9	Tuesday, October 30, 2018

Pretrial report	4	Tuesday, December 4, 2018
Pretrial conference	3	Tuesday, December 11, 2018
Trial	0	Tuesday, January 1, 2019

Several of the events on the schedule (such as for a discovery plan, initial disclosures, and early mediation) do not currently exist in the Civil Rules – but are proposed herewith.

To add substance to the deadline for expert witness disclosures, the proposal to amend CR 26(b)(5) requires each disclosure to include the type of information required in response to an expert interrogatory.

New CR 3.1(b) clarifies how to set a deadline falling outside a business day, and subsection (c) requires timely service of the schedule.

Subsection (d) authorizes the court to modify an initial case schedule on its own initiative or a motion. Complexity or impracticability are stated grounds for a motion to modify, as is “good cause,” backed by a demonstration of due diligence. The court is also required to modify the schedule to respect an order preventing direct interaction between persons.

Subsection (e) lists many specific types of actions exempt from the rule.

Subsection (f) authorizes each court to exempt any individual action or type of action for which the court deems compliance with the rule to be impracticable.

The BOG wisely recommended a case schedule. We think this will reduce the costs of civil litigation across Washington.

CR 11 & 37: Requiring Cooperation

Because the Board of Governors voted to support “requiring cooperation as a guiding principle,” the RTDF reviewed how it could “require cooperation,” or alternatively, allow for sanctions for failing to cooperate. The proposed CR 11 and CR 37 permit sanctions for failing to cooperate in pleadings, motions, and legal memoranda that go beyond discovery sanctions currently available.

Proposed CR 11 is designed to be a more specific statement of this purpose. Its goal is to increase attorney awareness of CR 1 and its overarching principles in the process of litigation, and to provide a sanction provision for failures to reasonably cooperate.

Various questions were raised during vetting and scrubbing whether sanctions would be best placed in CR 37. But CR 37 applies to discovery. The RTDF recommends a broader scope for cooperation, consistent with the Board’s direction.

Stakeholders recognized that the RPCs already require a certain level of professional conduct including that required under RPC 3.1, 3.4, and 8.4. But as discussed above with proposed CR 1, this does not render the duty to reasonably cooperate redundant. An attorney's failure to cooperate under the RPCs may result in a complaint and disciplinary processes, but it is highly unlikely that an opposing counsel encountering an uncooperative attorney would file a bar complaint about the conduct, unless it was frequent, persistent, or particularly egregious. Also, using the disciplinary process to deal with uncooperative behavior has a less direct effect, if any, on the costs of civil litigation. Finally, the RPCs would not be a useful precedent when proceeding with a sanctions motion addressing cooperation. The RPCs give no basis in motions practice for the imposition of sanctions.

We also recognize the risk of inviting new CR 11 motions with any proposed amendment. But again, our task is not to decrease litigation, but to decrease the costs of litigation. Permitting sanctions for failures to reasonably cooperate serves that mission.

We are also aware of independent policies and guidelines such as the King County Bar Association Guidelines of Professional Courtesy, the WSBA's Creed of Professionalism, and judges' individual guidelines of practice within their courts. But we remain committed to the term "reasonably cooperate." The addition of the word "reasonably" is intended to allow for a judge's discretion based on the specific circumstances in each case brought before the court.

FRCP 11 provides for notice and a reasonable opportunity to respond. The subcommittee agreed to add a similar cooperation obligation under CR 11 with the requirement that notice be provided to the alleged offending party before going to the Court. The Task Force also included the cooperation element in a proposal for CR 26 and CR 37. These additions would encompass general discovery.

Adoption of proposed CR 11 will stand as a precedent in this nation for changing the culture of civil litigation. We believe that the proposed rules will effectively reduce the cost of civil litigation.

CR 16: Pretrial Procedure

This proposal would amend CR 16 by mandating that the parties confer about and submit a pretrial report to the court. The pretrial report would cover a certain list of subjects, including material issues in dispute, agreed material facts, a list of lay and expert witnesses, exhibit index, and most importantly, ways to shorten the trial. The proposal would also modify and add to the topics the trial judge should consider at any pretrial conference.

The ECCL believed that requiring the parties to consider these issues and then meet to discuss them with the trial judge before trial would encourage the parties to prepare for trial earlier and would result in shorter, less costly trials. The ECCL Report, which provides detailed reasoning, is attached. The RDTF researched pretrial conference rules in Washington local court rules, other state's court rules, and the federal rules. This rule incorporates the list identified by the ECCL Task Force with a few additions based primarily on Washington state court local rules.

Proposed CR 16 requires counsel to meet and confer to hammer out issues in advance of trial. The proposed language will engage litigants to control trial costs, while preserving judicial discretion and authority to manage the courtroom. We believe that the rule as proposed will effectively reduce the cost of civil litigation.

CR 26: Cooperation in Discovery.

There are several proposed revisions to CR 26 to effectuate the Board of Governors' Report. In keeping with the plan of this memo, we will walk through them in order.

CR 26(a) – Cooperation

The Task Force reviewed potential language addressing cooperation that would fall under CR 26. Local Federal Rule of Civil Procedure 26(f) of the Western District of Washington provides, in part:

Counsel are expected to cooperate with each other to reasonably limit discovery requests, to facilitate the exchange of discoverable information, and to reduce the costs of discovery.

From this, the Task Force looked at alternate proposed provisions adding similar language into either CR 26(a) or CR 26(b). Because discovery abuses are often seen in the scheduling of inspections and depositions, it was determined that the most logical place to add this proposal would under CR 26(a).

The Task Force discussed the problem with attempting to “reasonably” limit discovery requests. This went beyond our assigned task. There is, of course, a tension between accepting the ECCL Task Force cooperation recommendation, but not placing limits on discovery, as they also recommended. But the BOG resolved to do one without the other, which is certainly plausible. As a result, references to discovery limitations came out, and the final proposed CR 26 tracked the order and language of CR 26(a).

CR 26(b) – Initial Disclosures

The ECCL and the BOG recommended adopting initial disclosures in Washington.

All claims and defenses or only the disclosing party's claims and defenses? The RDTF concluded that requiring disclosure of people possessing any relevant information about any claim or defense, rather than only their own claims or defenses, would likely increase the cost of civil litigation. We came to the same conclusion regarding disclosure of documents and other relevant evidence. Requiring a party to initially disclose information related to claims or defenses raised in the opposing party's pleadings would likely require extensive searching for potential evidence even though the claims or defenses raised by the other side may not yet be clear. Traditional targeted discovery can still be conducted and would be a more efficient.

Computation of damages. We concluded that the rule should not require a computation for general and noneconomic damages. Initial disclosures would occur too early in the case to reasonably require this. A description of general and noneconomic damages is required.

Retained experts. In response to a stakeholder comments, we excluded retained experts from the required disclosure of individuals possessing relevant information. The case schedule requires expert disclosures later in the case.

Witnesses and evidence to be used solely for impeachment. After discussion, we adopted a proposal to exclude any witness and any relevant evidence that would be used solely for impeachment. This is standard litigation practice in Washington.

Insurance. We discussed feedback that some stakeholders would prefer to require initial disclosures of relevant insurance agreements in every case. We voted to require disclosing a copy of the insurance agreement only where insurance coverage is or may be contested, but to require disclosing the declarations page in every case. Requiring disclosing the full agreement in every case would lead to increased costs because it not likely necessary in the run of cases, and unnecessary motions practice for protective orders would be common. Because this rule does not limit traditional discovery, a party can request a copy of relevant insurance agreements at any time.

CR 26(c)(5)(A)(ii) – Expert Disclosures

This provision specifies the content of expert disclosures required under the initial case schedule. Being specific lowers uncertainty, increasing compliance and lowering costs.

In sum, The RTDF agrees with the BOG that initial disclosures will decrease the costs of civil litigation in Washington.

CR 30: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 32: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 33: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 34: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 36: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 37: Cooperation & Technical Revisions

Most of this rule is amended simply to reflect the renumbering of other rules. No substantive change is intended. The changes regarding reasonable cooperation are discussed *supra*.

CR 43: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 53.3: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

New CR 53.5: Early Mediation

This new proposed CR 53.5 governs required mediation in civil cases. A case schedule or court order may require mediation. For example, the proposed new CR 3.1 requires an initial case schedule that will include an early, mandatory mediation deadline. Proposed CR 3.1 excepts some civil cases from this requirement.

Additionally, proposed CR 53.5(a) allows the court to order any parties to mediate pursuant to this rule even where not otherwise required. In most cases, a mediation required by a civil case schedule must occur after the parties receive Initial Disclosures, but before expert disclosures must be prepared and served. See proposed CR 3.1(a) and proposed CR 26(b). This is approximately 32 weeks before trial in a case that is to be resolved on a one-year timetable.

Proposed CR 53.5 requires parties to begin working together on a negotiated resolution of their case earlier rather than later. The goal is that the rule will help litigants resolve or progress in their cases, and that cost savings may be achieved in those cases that resolve.

Proposed CR 53.5 works in concert with Uniform Mediation Act, Chapter 7.07 RCW, which applies to mediations. A potential for conflict exists regarding CR 53.5(h) and RCW 7.07.020(3). Both address confidentiality of communications involving mediation. In the event of a conflict, CR 53.5(h) would control a party's ability to present evidence to substantiate a claim for sanctions for failure to comply with the requirements of CR 53.5. If such evidence might fall within a privilege created by RCW 7.07.020(3), the statutory confidentiality privilege would be abrogated for purposes of allowing a party to seek sanctions under proposed CR 53.5(h).

No one-size-fits-all mediation is required by this rule. Rather, we sought to allow sufficient flexibility in the form of the mediation, so that the procedures can evolve as the mediation evolves and can be adapted to each case and the parties involved.

Proposed CR 53.5(d)(1)-(2) require the mediator to confer with the parties and establish a procedure suited to the circumstances and input of the parties.

Additionally, the parties are not required to finish mediation to comply with proposed CR 53.5. As stated in CR 53.5(e), the parties must certify that they “held or commenced a mediation.” Their efforts with the mediator can continue so long as they commenced a mediation within the time required.

Proposed CR 53.5(g) responds to a concern that certain cases might not be ready for mediation within the deadline, even though the deadline occurs after Initial Disclosures are served. This provision allows for an extension of the mediation deadline of no more than 60 days when specific discovery objectives are identified. A longer extension would undermine the purpose and overall plan that mandatory mediations occur “early,” *i.e.*, before completing discovery.

We also created several provisions within proposed CR 53.5(c) to assure access to justice. Parties may select any person as a mediator if they agree. This allows flexibility and control. Parties also may obtain fee relief from the Court, including apportionment of the mediator’s fee among parties with ability to pay, payment on a sliding scale, and assignment of a *pro bono* mediator, or any combination thereof. Proposed CR 53.5(b)(5) requires a person on the list of qualified mediators to accept appointment to one mediation each calendar year on a *pro bono* basis.

The RDTF agrees with the ECCL and the BOG that early mediation can be a powerful tool for reducing the costs of civil litigation. We commend it to you.

Suggested Adoption of Recommended ADR Practices

The BOG requested recommended “alternative dispute resolution practices.” See July 2016 Board of Governors Report at IV.12. We sought input from many sources.

We perceive no conflict with any rules or statutes, but recommend that adoption of these best practices be advisory only. The can be posted on the Courts’ website.

New CR 77(i): Judicial Assignment

The ECCL and the BOG recognized that having one judge assigned to a civil case from start to finish can improve judicial efficiency and reduce the cost of litigation. A judge who is already familiar with the parties and issues can more effectively manage discovery disputes, pretrial motions, and trial.

On the other hand, counties vary significantly with respect to the number of judges that hear civil cases. The ECCL recognized the importance of adopting a rule that allowed smaller jurisdictions to manage civil cases in the most efficient manner possible. Proposed CR 77(i) uses the word “should” instead of the ECCL’s “shall.”

In counties where judicial pre-assignment is not favored, judges and court administrators value the ability to assign trials and hearings as they arise so as to run the court schedule more efficiently – this is especially true in smaller jurisdictions. They also value the ability to delegate work to other judges or commissioners on an as-needed basis. Most courts that do not require pre-assignment allow litigants or court administration to request pre-assignment for large or complex cases.

To encourage judicial pre-assignment of cases where practicable, this proposal encourages courts to assign cases to a specific *judicial officer*, expanding the concept of judicial pre-assignment to include all judicial officers.

All of the comments we received on this proposal were positive. The RDTF commends judicial pre-assignment as a cost-saving measure.

CRLJs

The RDTF faithfully followed the BOG's direction to draft CRLJs regarding cooperation, initial case schedules, judicial pre-assignment, and early discovery. But when we vetted those proposals to the DMCJA, we received unusually strong feedback that our proposals – which largely mirrored the CR proposals – either would not decrease costs in the courts of limited jurisdiction, or conceivably might increase those costs. The DMCJA did not have immediate reservations about the reasonable cooperation provisions, so we are bringing those forward for the same reasons discussed *supra*. Nor did they object in principle to considering the other proposals. But they felt strongly that they needed further time to consider them.

The RDTF also felt that although we did have some practitioners and judges familiar with limited jurisdiction courts, we did not have sufficient expertise to fully appreciate the quite different litigation context presented in those courts. We therefore voted not to bring forward the remaining CRLJ proposals (other than the cooperation provisions) at this time. We understand from the DMCJA – whose current President sat on our Task Force – that they are open to working with a task force or work group on proposals to decrease the costs of civil litigation in their courts. We commend this idea to the BOG, along with our reasonable cooperation proposals, which we believe are the lynchpin for changing the culture of litigation in Washington.

ENCLOSURES

- Enclosure 1: Rule Proposals; redline and clean versions
- Enclosure 2: Roster
- Enclosure 3: Charter
- Enclosure 4: Stakeholder's List
-

SUPPLEMENTAL

- 1: Final ECCL Report
- 2: July 2016 BOG Report
- 3: Comments Received

ENCLOSURE 1

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 1 – SCOPE AND PURPOSE OF RULES

These rules govern the procedure in the superior court in all suits of a civil nature, whether cognizable as cases at law or in equity, with the exceptions stated in rule 81. All parties and attorneys shall reasonably cooperate with each other and the court in all matters. ~~They~~ These rules shall be construed and administered consistently with this principle to secure the just, speedy, and inexpensive determination of every action.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 1 – SCOPE AND PURPOSE OF RULES

These rules govern the procedure in the superior court in all suits of a civil nature, whether cognizable as cases at law or in equity, with the exceptions stated in rule 81. All parties and attorneys shall reasonably cooperate with each other and the court in all matters. These rules shall be construed and administered consistently with this principle to secure the just, speedy, and inexpensive determination of every action.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
New CR 3.1

1 (a) Initial Case Schedule. When a summons and complaint are filed, and unless
2 exempted pursuant to this rule, the court shall issue an initial case schedule with at least the
3 following deadlines:

4 1. Initial Discovery Conference. The parties shall hold an initial discovery
5 conference no later than 45 weeks before the trial commencement date.

6 2. Discovery Plan and Status Report. The parties shall file a discovery plan and
7 status report no later than 43 weeks before the trial commencement date.

8 3. Initial Disclosures. The parties shall serve initial disclosures no later than 39
9 weeks before the trial commencement date.

10 4. Joint Selection of Mediator, if Any. If the parties intend to jointly select a
11 mediator, the plaintiff shall file a joint selection of mediator no later than 37
12 weeks before the trial commencement date.

13 5. Appointment of Mediator if Parties Do Not Jointly Select. If the plaintiff does not
14 timely file a joint selection of mediator, the court shall appoint a mediator and
15 notify the parties and the mediator no later than 36 weeks before the trial
16 commencement date.

17 6. Notice of Compliance with the Early Mandatory Mediation Requirement. The
18 plaintiff shall file a notice of compliance with the early mandatory mediation
19 requirement no later than 32 weeks before the trial commencement date.

20 7. Expert Witness Disclosures.

21 A. Each party shall serve its primary expert witness disclosures no later than
22 26 weeks before the trial commencement date.

23 B. Each party shall serve its rebuttal expert witness disclosures no later than
24 20 weeks before the trial commencement date.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
New CR 3.1

1 8. Discovery Cutoff. The parties shall complete discovery no later than 13 weeks
2 before the trial commencement date.

3 9. Dispositive Motions. The parties shall file dispositive motions no later than nine
4 weeks before the trial commencement date.

5 10. Pretrial Report. The parties shall file a pretrial report no later than four weeks
6 before the trial commencement date.

7 11. Pretrial Conference. The court shall conduct a pretrial conference no later than
8 three weeks before the trial commencement date.

9 12. Trial Commencement Date. The court shall commence trial no later than 52
10 weeks after the summons and complaint are filed.

11 (b) If application of subsection (a) would result in a deadline falling on a Saturday,
12 Sunday, or legal holiday, the deadline shall be the next day in the future that is not a Saturday,
13 Sunday, or legal holiday.

14 (c) The party instituting the action shall serve a copy of the initial case schedule on
15 all other parties no later than ten days after the court issues it.

16 (d) Permissive and Mandatory Case Schedule Modifications.

17 1. The court may modify the case schedule on its own initiative or on a motion
18 demonstrating (a) good cause; (b) the action's complexity; or (c) the
19 impracticability of complying with this rule. At a minimum, good cause requires
20 the moving party to demonstrate due diligence in meeting the case schedule
21 requirements. As part of any modification, the court may revise expert witness
22 disclosure deadlines, including to require the plaintiff to serve its expert witness
23 disclosures before the defendant if the issues in the case warrant staggered
24 disclosures.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
New CR 3.1

1 2. No case schedule may require a party to violate the terms of a protection, no-
2 contact, or other order preventing direct interaction between persons. To adhere to
3 such orders, the court shall modify the case schedule on its own initiative or on a
4 motion.

5 (e) The following types of actions are exempt from this rule, although nothing in this
6 rule precludes a court from issuing an alternative case schedule for the following types of
7 actions:

8 RALJ Title 7, appeal from a court of limited jurisdiction;

9 RCW 4.24.130, change of name;

10 RCW ch. 4.48, proceeding before a referee;

11 RCW 4.64.090, abstract of transcript of judgment;

12 RCW ch. 5.51, Uniform Interstate Depositions and Discovery Act;

13 RCW ch. 6.36, Uniform Enforcement of Foreign Judgments Act;

14 RCW ch. 7.06, mandatory arbitration appeal;

15 RCW ch. 7.16, writs;

16 RCW ch. 7.24, Uniform Declaratory Judgments Act;

17 RCW ch. 7.36, habeas corpus;

18 RCW ch. 7.60, appointment of receiver if not combined with, or ancillary to, an
19 action seeking a money judgment or other relief;

20 RCW ch. 7.90, sexual assault protection order;

21 RCW ch. 7.94, extreme risk protection order;

22 RCW Title 8, eminent domain;

23 RCW ch. 10.14, anti-harassment protection order;

24 RCW ch. 10.77, criminally insane procedure;

25 RCW Title 11, probate and trust law;

SUGGESTED AMENDMENT SUPERIOR COURT CIVIL RULES (CR)

New CR 3.1

RCW ch. 12.36, small claims appeal;

RCW Title 13, juvenile courts, juvenile offenders, etc.;

RCW 26.04.010, marriage age waiver petition;

RCW ch. 26.09, dissolution proceedings and legal separation;

RCW ch. 26.21A, Uniform Interstate Family Support Act;

RCW ch. 26.33, adoption;

RCW ch. 26.50, Domestic Violence Prevention Act;

RCW 29A.72.080, appeal of ballot title or summary for a state initiative or
referendum;

RCW ch. 34.05, Administrative Procedure Act;

RCW ch. 35.50, local improvement assessment foreclosure;

RCW ch. 36.70C, Land Use Petition Act;

RCW ch. 51.52, appeal from the board of industrial insurance appeals;

RCW ch. 59.12, unlawful detainer;

RCW ch. 59.18, Residential Landlord-Tenant Act;

RCW ch. 70.09, sexually violent predator commitment;

RCW ch. 70.96A, treatment for alcoholism, intoxication, and drug addiction;

RCW ch. 71.05, mental illness;

RCW ch. 74.20, support of dependent children;

RCW ch. 74.34, abuse of vulnerable adults;

RCW ch. 84.64, lien foreclosure;

SPR 98.08W, settlement of claims by guardian, receiver, or personal
representative;

SPR 98.16W, settlement of claims of minors and incapacitated persons; and

WAC 246-100, isolation and quarantine.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
New CR 3.1

1 (f) In addition to the types of actions identified in subsection (e), the court may, on a
2 party's motion or on its own initiative, exempt any action or type of action for which compliance
3 with this rule is impracticable.

SUGGESTED AMENDMENT
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
New CR 3.1

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16 RCW ch. 70.09, sexually violent predator commitment;
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19 RCW ch. 74.20, support of dependent children;
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
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2 party's motion or on its own initiative, exempt any action or type of action for which compliance
3 with this rule is impracticable.

1 **SUGGESTED AMENDMENT**
2 **SUPERIOR COURT CIVIL RULES (CR)**

3 **CR 11 - SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL**
4 **MEMORANDA; SANCTIONS**

5 (a) – (b) [Unchanged]

6 (c) Consistent with the overall purpose of these rules as set forth in CR 1, the court, upon motion
7 or its own initiative, may impose an appropriate sanction on any party or attorney who violates
8 the mandate of reasonable cooperation set forth in CR 1, which sanction may include an order to
9 pay to the other party or parties the amount of the reasonable expenses incurred because of the
10 lack of cooperation, including a reasonable attorney fee. The court will not entertain any motion
11 under this subsection unless the parties have conferred regarding the motion. The moving party
12 shall arrange for a mutually convenient conference in person or by telephone. The court may
13 impose sanctions if the court finds that any party or its counsel, upon whom a motion with
14 respect to matters covered by such rules has been served, has willfully refused or failed to confer
15 in good faith. Any motion seeking sanctions under this subsection shall include the moving
16 party's certification that the conference requirements of this rule have been met, or that the
17 moving party attempted in good faith to meet the conference requirements of this rule.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

**CR 11 - SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL
MEMORANDA; SANCTIONS**

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 16 – PRETRIAL PROCEDURE AND FORMULATING ISSUES

~~(a) Hearing Matters Considered. By order, or on the motion of any party, the court may in its discretion direct the attorneys for the parties to appear before it for a conference to consider:~~

~~(1) The simplification of the issues;~~

~~(2) The necessity or desirability of amendments to the pleadings;~~

~~(3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;~~

~~(4) The limitation of the number of expert witnesses;~~

~~(5) Such other matters as may aid in the disposition of the action.~~

(a) Pretrial Report. All parties shall participate in completing a joint pretrial report filed no later than the date provided in the case schedule or court order. The pretrial report shall contain the following:

(1) A brief nonargumentative summary of the case;

(2) The agreed material facts;

(3) The material issues in dispute;

(4) The names of all lay and expert witnesses, excluding rebuttal witnesses;

(5) An exhibit index (excluding rebuttal or impeachment exhibits);

(6) The estimated length of trial and suggestions for shortening the trial; and

(7) A statement whether additional alternative dispute resolution would be useful before trial.

(b) Pretrial Conference. Each attorney with principal responsibility for trying the case, and each unrepresented party, shall attend any scheduled pretrial conference. At a pretrial conference, the court may consider and take appropriate action on the following matters:

(1) Formulating and simplifying the issues and eliminating claims or defenses;

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

CR 16 – PRETRIAL PROCEDURE AND FORMULATING ISSUES

1 (2) Obtaining admissions and stipulations about facts and documents to avoid

2 unnecessary proof, and addressing evidentiary issues;

3 (3) Adopting special procedures for managing complex issues, multiple parties, difficult

4 legal questions, or unusual proof problems;

5 (4) Establishing reasonable time limits for presenting evidence;

6 (5) Establishing deadlines for trial briefs, motions in limine, deposition designations,

7 proposed jury instructions, and any other pretrial motions, briefs, or documents;

8 (6) Resolving any pretrial or trial scheduling issues; and

9 (7) Facilitating in other ways the just, speedy, and inexpensive disposition of the action.

10 (b) (c) Pretrial Order. The court shall enter an order reciting the following:

11 (1) the action taken at the conference;

12 (2) the amendments allowed to the pleadings; and

13 (3) the parties' agreements on any matters considered.

14 The pretrial order limits the issues for trial to those not disposed of by admissions or
15 agreements of counsel and controls the subsequent course of the action, unless modified at trial
16 to prevent manifest injustice.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 16 – PRETRIAL PROCEDURE AND FORMULATING ISSUES

1 (a) Pretrial Report. All parties shall participate in completing a joint pretrial report filed
2 no later than the date provided in the case schedule or court order. The pretrial report shall
3 contain the following:

- 4 (1) A brief nonargumentative summary of the case;
- 5 (2) The agreed material facts;
- 6 (3) The material issues in dispute;
- 7 (4) The names of all lay and expert witnesses, excluding rebuttal witnesses;
- 8 (5) An exhibit index (excluding rebuttal or impeachment exhibits);
- 9 (6) The estimated length of trial and suggestions for shortening the trial; and
- 10 (7) A statement whether additional alternative dispute resolution would be useful before
11 trial.

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13 and each unrepresented party, shall attend any scheduled pretrial conference. At a pretrial
14 conference, the court may consider and take appropriate action on the following matters:

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- 16 (2) Obtaining admissions and stipulations about facts and documents to avoid
17 unnecessary proof, and addressing evidentiary issues;
- 18 (3) Adopting special procedures for managing complex issues, multiple parties, difficult
19 legal questions, or unusual proof problems;
- 20 (4) Establishing reasonable time limits for presenting evidence;
- 21 (5) Establishing deadlines for trial briefs, motions in limine, deposition designations,
22 proposed jury instructions, and any other pretrial motions, briefs, or documents;
- 23 (6) Resolving any pretrial or trial scheduling issues; and
- 24 (7) Facilitating in other ways the just, speedy, and inexpensive disposition of the action.

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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 16 – PRETRIAL PROCEDURE AND FORMULATING ISSUES

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- (2) the amendments allowed to the pleadings; and
- (3) the parties' agreements on any matters considered.

The pretrial order limits the issues for trial to those not disposed of by admissions or agreements of counsel and controls the subsequent course of the action, unless modified at trial to prevent manifest injustice.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

(a) Discovery Methods and Cooperation.

(1) Methods. Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.

(2) Cooperation. Consistent with rule 1, parties and attorneys shall reasonably cooperate with each other in using discovery, including using discovery methods; exchanging discoverable information; scheduling depositions, inspections, and examinations; and reducing the costs of discovery.

(b) Initial Disclosures.

(1) Content of Initial Disclosures. When the case schedule or a court order requires initial disclosures, a party shall, without awaiting a discovery request, provide to the other parties:

(A) The name, address, and telephone number of each individual possessing relevant information supporting the disclosing party's claims or defenses, excluding retained experts or any witness to be used solely for impeachment;

(B) A copy of each document and other relevant evidence supporting the disclosing party's claims or defenses, unless the use would be solely for impeachment; provided that if a document or other relevant evidence cannot easily be copied, the disclosing party shall make it reasonably available for inspection;

(C) A copy of each document the disclosing party refers to in a pleading;

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

1 (D) A description and computation of each category of damages the disclosing party
2 claims; provided that, a description—not a computation—suffices for general and noneconomic
3 damages;

4 (E) The declarations page of any insurance agreement under which an insurance
5 business may be liable to satisfy all or part of a judgment that may be entered in the action or to
6 indemnify or reimburse for payments made to satisfy the judgment; and

7 (F) In any action where insurance coverage is or may be contested, a copy of the
8 insurance agreement, and all letters from the insurer regarding coverage.

9 (2) Parties Later Joined or Served. A party joined or served after the other parties have
10 made their initial disclosures shall comply with this rule within 60 days of being joined or
11 served, unless the court orders otherwise.

12 (3) Basis for Initial Disclosures; Unacceptable Excuses. A party shall make its initial
13 disclosures based on information known or reasonably available to that party. A party is not
14 excused from making its disclosures because it has failed to fully investigate the case, it
15 challenges the sufficiency of another party's disclosures, or another party has failed to make
16 required disclosures.

17 (b)(c) Discovery Scope and Limits. Unless otherwise limited by order of the court in
18 accordance with these rules, the scope of discovery is as follows:
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20
21

22 [renumbered (c)(1) – (c)(4) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

(5) Trial Preparation: Experts. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of subsection ~~(b)~~(c)(1) of this rule and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A)(i) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and to state such other information about the expert as may be discoverable under these rules.

(ii) Unless these rules impose an earlier deadline, and in no event later than the deadline for primary or rebuttal expert witness disclosures imposed in a case schedule or court order, each party shall identify each person whom that party expects to call as a primary or rebuttal expert witness at trial, state the subject matter on which the expert is expected to testify, state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and state such other information about the expert as may be discoverable under these rules.

(B) A party may, subject to the provisions of this rule and of rules 30 and 31, depose each person whom any other party expects to call as an expert witness at trial.

(BC) A party may discover facts known or opinions held by an expert who is not expected to be called as a witness at trial, only as provided in rule 35(b) or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(CD) Unless manifest injustice would result, (i) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

1 under subsections ~~(b)(c)(5)(B)(A)(ii)~~ and ~~(b)(c)(5)(C)(B)~~ of this rule; and (ii) with respect to
2 discovery obtained under subsection ~~(b)(c)(5)(B)(A)(ii)~~ of this rule, the court may require, and
3 with respect to discovery obtained under subsection (b)(5)(~~CB~~) of this rule the court shall
4 require, the party seeking discovery to pay the other party a fair portion of the fees and expenses
5 reasonably incurred by the latter party in obtaining facts and opinions from the expert.

6 [renumbered ~~(b)(c)~~(6) – ~~(b)(c)~~(8) unchanged.]

7 (~~e~~ d) [Unchanged]

8 (~~d~~ e) [Unchanged]

9 (e f) ~~Supplementation of Responses~~. A party who has provided initial disclosures or
10 responded to a request for discovery where the disclosure or response ~~that~~ was complete when
11 made is under no duty to supplement the disclosure or response to include information thereafter
12 acquired, except as follows:

13
14 (1) A party is under a duty seasonably to supplement the disclosure or response with
15 respect to any question directly addressed to:

16 (A) the identity and location of persons having knowledge of discoverable matters; and

17 (B) the identity of each person expected to be called as an expert witness at trial, the
18 subject matter on which the expert witness is expected to testify, and the substance of the expert
19 witness's testimony.

20
21 (2) A party is under a duty seasonably to amend a prior disclosure or response if the
22 party obtains information upon the basis of which:

23 (A) the party knows that the disclosure or response was incorrect when made; or

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

1 (B) the party knows that the disclosure or response though correct when made is no
2 longer true and the circumstances are such that a failure to amend the disclosure or response is in
3 substance a knowing concealment.

4 (3) A duty to supplement disclosures or responses may be imposed by order of the
5 court, agreement of the parties, or at any time prior to trial through new requests for
6 supplementation of prior disclosures or responses.

7
8 (4) Failure to seasonably supplement in accordance with this rule will subject the party
9 to such terms and conditions as the trial court may deem appropriate.

10 (~~f~~ g) Discovery Conference.

11 (1) Initial Discovery Conference.

12 (A) Timing of Initial Discovery Conference. No later than a date provided by a case
13 schedule or court order, the plaintiff shall schedule and all parties that have appeared in the case
14 shall conduct an initial in-person or telephonic discovery conference. Each party and attorney
15 shall reasonably cooperate in scheduling and conducting the initial discovery conference.

16 (B) Subjects to Be Discussed at Initial Discovery Conference. At the initial discovery
17 conference, the parties shall consider:

18 (i) Joinder of additional parties and amendments to pleadings;

19 (ii) Amendments to the case schedule, if any;

20 (iii) Possibilities for promptly resolving the case;

21 (iv) Admissions and stipulations about facts;

22 (v) Agreements as to what discovery may be conducted and in what order,
23 and any limitations to be placed on discovery;

24 (vi) Preservation and production of discoverable information, including
25 documents and electronically stored information;

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(vii) Agreements for asserting privilege regarding materials to be produced or protective orders regarding the same; and

(viii) Other ways to facilitate the just, speedy, and inexpensive disposition of the action.

(C) Joint Discovery Plan and Status Report. Not later than 14 days after the initial discovery conference, the plaintiff shall file and serve a joint discovery plan and status report stating the parties' positions and proposals on the subjects stated in rule 26(g)(1)(B). The joint discovery plan and status report shall substantially comply with any form the court prescribes, shall be signed by all parties or their counsel, and shall certify that the parties reasonably cooperated to reach agreement on the matters set forth.

(D) Discovery Before Initial Discovery Conference. Nothing in this rule shall prevent any party from initiating discovery before the initial discovery conference; nor does this rule excuse any party from responding to another party's discovery requests or otherwise participating in discovery another party initiates before the initial discovery conference.

(2) Discovery Conference With the Court.

(A) Subjects to Be Discussed at Discovery Conference. At any time after commencement of an action the court may direct the attorneys for the parties to appear before it for a conference on the subject of discovery. The court shall do so upon motion by the attorney for any party if the motion includes:

~~(1)~~(i) A statement of the issues as they then appear;

~~(2)~~(ii) A proposed plan and schedule of discovery;

~~(3)~~(iii) Any limitations proposed to be placed on discovery;

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~~(4)(iv) Any other proposed orders with respect to discovery; and~~

~~(5)(v) A statement showing that the party or attorney making the motion has reasonably cooperated to reach agreement with opposing parties or their attorneys on the matters set forth in the motion.~~

~~Each party and each party's attorney are under a duty to participate in good faith in the framing of a discovery plan if a plan is proposed by the attorney for any party.~~

~~Notice of the motion shall be served on all parties. Objections or additions to matters set forth in the motion shall be served not later than 10 days after service of the motion.~~

(B) Order on Discovery Conference. Following ~~the~~ any discovery conference ~~with the court~~, the court shall enter an order tentatively identifying the issues for discovery purposes; establishing a plan and schedule for discovery; setting limitations on discovery, if any; and determining such other matters, including the allocation of expenses, as are necessary for the proper management of discovery in the action. An order may be altered or amended whenever justice so requires.

~~(C) Pretrial Conference. Subject to a properly moving party's right to a prompt hearing, the court may combine the discovery conference with a rule 16 pretrial conference.~~

~~(g h)~~ Signing Discovery Requests, Responses, and Objections.

Every initial disclosure, request for discovery, or response or objection thereto made by a ~~represented party represented by an attorney~~ shall be signed by at least one attorney of record in the attorney's ~~own individual name, and state the signer's addresss whose address shall be stated.~~ A non-represented party ~~who is not represented by an attorney~~ shall sign the initial disclosure, request, response, or objection, and state the signer's party's address. The ~~es~~ signatures of the attorney or party constitutes a certification that the attorney or party has read the initial

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1 disclosure, request, response, or objection, and that to the best of their knowledge, information,
2 and belief formed after a reasonable inquiry, it is:

3 (1) Consistent with these rules and warranted by existing law or a good faith argument
4 for the extension, modification, or reversal of existing law;

5 (2) Not interposed for any improper purpose, such as to harass or to cause unnecessary
6 delay or needless increase in the cost of litigation; and

7 (3) Not unreasonable or unduly burdensome or expensive, given the needs of the case,
8 the discovery already had in the case, the amount in controversy, and the importance of the
9 issues at stake in the litigation. If a an initial disclosure request, response, or objection is not
10 signed, it shall be stricken unless it is signed promptly after the omission is called to the attention
11 of the party making the initial disclosure request, response, or objection and a party shall not be
12 obligated to take any action with respect to it until it is signed.
13

14 If a certification is made in violation of the rule, the court, upon motion or upon its own
15 initiative, shall impose upon the person who made the certification, the party on whose behalf the
16 initial disclosure, request, response, or objection is made, or both, an appropriate sanction, which
17 may include an order to pay the amount of the reasonable expenses incurred because of the
18 violation, including reasonable attorney fees.
19

20 [renumbered (i) – (j) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

1 (a) Discovery Methods and Cooperation.

2 (1) Methods. Parties may obtain discovery by one or more of the following methods:
3 depositions upon oral examination or written questions; written interrogatories; production of
4 documents or things or permission to enter upon land or other property, for inspection and other
5 purposes; physical and mental examinations; and requests for admission.
6

7 (2) Cooperation. Consistent with rule 1, parties and attorneys shall reasonably
8 cooperate with each other in using discovery, including using discovery methods; exchanging
9 discoverable information; scheduling depositions, inspections, and examinations; and reducing
10 the costs of discovery.

11 (b) Initial Disclosures.

12 (1) Content of Initial Disclosures. When the case schedule or a court order requires
13 initial disclosures, a party shall, without awaiting a discovery request, provide to the other
14 parties:
15

16 (A) The name, address, and telephone number of each individual possessing relevant
17 information supporting the disclosing party's claims or defenses, excluding retained experts or
18 any witness to be used solely for impeachment;

19 (B) A copy of each document and other relevant evidence supporting the disclosing
20 party's claims or defenses, unless the use would be solely for impeachment; provided that if a
21 document or other relevant evidence cannot easily be copied, the disclosing party shall make it
22 reasonably available for inspection;
23

24 (C) A copy of each document the disclosing party refers to in a pleading;
25
26

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1 (D) A description and computation of each category of damages the disclosing party
2 claims; provided that, a description—not a computation—suffices for general and noneconomic
3 damages;

4 (E) The declarations page of any insurance agreement under which an insurance
5 business may be liable to satisfy all or part of a judgment that may be entered in the action or to
6 indemnify or reimburse for payments made to satisfy the judgment; and

7 (F) In any action where insurance coverage is or may be contested, a copy of the
8 insurance agreement, and all letters from the insurer regarding coverage.
9

10 (2) Parties Later Joined or Served. A party joined or served after the other parties have
11 made their initial disclosures shall comply with this rule within 60 days of being joined or
12 served, unless the court orders otherwise.

13 (3) Basis for Initial Disclosures; Unacceptable Excuses. A party shall make its initial
14 disclosures based on information known or reasonably available to that party. A party is not
15 excused from making its disclosures because it has failed to fully investigate the case, it
16 challenges the sufficiency of another party's disclosures, or another party has failed to make
17 required disclosures.
18

19 (c) Discovery Scope and Limits. Unless otherwise limited by order of the court in
20 accordance with these rules, the scope of discovery is as follows:
21

22 [renumbered (c)(1) – (c)(4) unchanged.]
23
24
25
26

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SUPERIOR COURT CIVIL RULES (CR)
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1 (5) Trial Preparation: Experts. Discovery of facts known and opinions held by experts,
2 otherwise discoverable under the provisions of subsection (c)(1) of this rule and acquired or
3 developed in anticipation of litigation or for trial, may be obtained only as follows:

4 (A)(i) A party may through interrogatories require any other party to identify each
5 person whom the other party expects to call as an expert witness at trial, to state the subject
6 matter on which the expert is expected to testify, to state the substance of the facts and opinions
7 to which the expert is expected to testify and a summary of the grounds for each opinion, and to
8 state such other information about the expert as may be discoverable under these rules.

9
10 (ii) Unless these rules impose an earlier deadline, and in no event later than the deadline for
11 primary or rebuttal expert witness disclosures imposed in a case schedule or court order, each
12 party shall identify each person whom that party expects to call as a primary or rebuttal expert
13 witness at trial, state the subject matter on which the expert is expected to testify, state the
14 substance of the facts and opinions to which the expert is expected to testify and a summary of
15 the grounds for each opinion, and state such other information about the expert as may be
16 discoverable under these rules.

17
18 (B) A party may, subject to the provisions of this rule and of rules 30 and 31, depose
19 each person whom any other party expects to call as an expert witness at trial.

20 (C) A party may discover facts known or opinions held by an expert who is not expected
21 to be called as a witness at trial, only as provided in rule 35(b) or upon a showing of exceptional
22 circumstances under which it is impracticable for the party seeking discovery to obtain facts or
23 opinions on the same subject by other means.

24 (D) Unless manifest injustice would result, (i) the court shall require that the party
25 seeking discovery pay the expert a reasonable fee for time spent in responding to discovery

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1 under subsections (c)(5)(B) and (c)(5)(C) of this rule; and (ii) with respect to discovery obtained
2 under subsection (c)(5)(B) of this rule, the court may require, and with respect to discovery
3 obtained under subsection (b)(5)(C) of this rule the court shall require, the party seeking
4 discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by
5 the latter party in obtaining facts and opinions from the expert.

6 [renumbered (c)(6) – (c)(8) unchanged.]

7 (d) [Unchanged]

8 (e) [Unchanged]

9 (f) Supplementation. A party who has provided initial disclosures or responded to a
10 request for discovery where the disclosure or response was complete when made is under no
11 duty to supplement the disclosure or response to include information thereafter acquired, except
12 as follows:

13
14 (1) A party is under a duty seasonably to supplement the disclosure or response with
15 respect to any question directly addressed to:

16 (A) the identity and location of persons having knowledge of discoverable matters; and

17 (B) the identity of each person expected to be called as an expert witness at trial, the
18 subject matter on which the expert witness is expected to testify, and the substance of the expert
19 witness's testimony.

20
21 (2) A party is under a duty seasonably to amend a prior disclosure or response if the
22 party obtains information upon the basis of which:

23 (A) the party knows that the disclosure or response was incorrect when made; or
24
25

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
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1 (B) the party knows that the disclosure or response though correct when made is no
2 longer true and the circumstances are such that a failure to amend the disclosure or response is in
3 substance a knowing concealment.

4 (3) A duty to supplement disclosures or responses may be imposed by order of the
5 court, agreement of the parties, or at any time prior to trial through new requests for
6 supplementation of prior disclosures or responses.

7
8 (4) Failure to seasonably supplement in accordance with this rule will subject the party
9 to such terms and conditions as the trial court may deem appropriate.

10 (g) Discovery Conference.

11 (1) Initial Discovery Conference.

12 (A) Timing of Initial Discovery Conference. No later than a date provided by a case
13 schedule or court order, the plaintiff shall schedule and all parties that have appeared in the case
14 shall conduct an initial in-person or telephonic discovery conference. Each party and attorney
15 shall reasonably cooperate in scheduling and conducting the initial discovery conference.

16 (B) Subjects to Be Discussed at Initial Discovery Conference. At the initial discovery
17 conference, the parties shall consider:

- 18 (i) Joinder of additional parties and amendments to pleadings;
- 19 (ii) Amendments to the case schedule, if any;
- 20 (iii) Possibilities for promptly resolving the case;
- 21 (iv) Admissions and stipulations about facts;
- 22 (v) Agreements as to what discovery may be conducted and in what order,
23 and any limitations to be placed on discovery;
- 24 (vi) Preservation and production of discoverable information, including
25 documents and electronically stored information;

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- 1 (vii) Agreements for asserting privilege regarding materials to be produced or
2 protective orders regarding the same; and
3 (viii) Other ways to facilitate the just, speedy, and inexpensive disposition of the
4 action.

5 (C) Joint Discovery Plan and Status Report. Not later than 14 days after the initial
6 discovery conference, the plaintiff shall file and serve a joint discovery plan and status report
7 stating the parties' positions and proposals on the subjects stated in rule 26(g)(1)(B). The joint
8 discovery plan and status report shall substantially comply with any form the court prescribes,
9 shall be signed by all parties or their counsel, and shall certify that the parties reasonably
10 cooperated to reach agreement on the matters set forth.

11 (D) Discovery Before Initial Discovery Conference. Nothing in this rule shall prevent
12 any party from initiating discovery before the initial discovery conference; nor does this rule
13 excuse any party from responding to another party's discovery requests or otherwise
14 participating in discovery another party initiates before the initial discovery conference.

15 (2) Discovery Conference With the Court.

16 (A) Subjects to Be Discussed at Discovery Conference. At any time after
17 commencement of an action the court may direct the attorneys for the parties to appear before it
18 for a conference on the subject of discovery. The court shall do so upon motion by the attorney
19 for any party if the motion includes:
20 for any party if the motion includes:
21 for any party if the motion includes:

- 22 (i) A statement of the issues as they then appear;
23 (ii) A proposed plan and schedule of discovery;
24 (iii) Any limitations proposed to be placed on discovery;
25

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
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- 1 (iv) Any other proposed orders with respect to discovery; and
- 2 (v) A statement showing that the party or attorney making the motion has
- 3 reasonably cooperated to reach agreement with opposing parties or their
- 4 attorneys on the matters set forth in the motion.

5 (B) Order on Discovery Conference. Following any discovery conference with the

6 court, the court shall enter an order tentatively identifying the issues for discovery purposes;

7 establishing a plan and schedule for discovery; setting limitations on discovery, if any; and

8 determining such other matters, including the allocation of expenses, as are necessary for the

9 proper management of discovery in the action. An order may be altered or amended whenever

10 justice so requires.

11 (C) Pretrial Conference. Subject to a properly moving party's right to a prompt

12 hearing, the court may combine the discovery conference with a rule 16 pretrial conference.

13 (h) Signing Discovery Requests, Responses, and Objections.

14 Every initial disclosure, request for discovery, or response or objection thereto made by

15 a represented shall be signed by at least one attorney of record in the attorney's own name, and

16 state the signer's address. A non-represented party shall sign the initial disclosure, request,

17 response, or objection, and state the signer's address. These signatures constitute a certification

18 that the attorney or party has read the initial disclosure, request, response, or objection, and that

19 to the best of their knowledge, information, and belief formed after a reasonable inquiry, it is:

- 20 (1) Consistent with these rules and warranted by existing law or a good faith argument
- 21 for the extension, modification, or reversal of existing law;
- 22
- 23
- 24
- 25

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
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1 (2) Not interposed for any improper purpose, such as to harass or to cause unnecessary
2 delay or needless increase in the cost of litigation; and

3 (3) Not unreasonable or unduly burdensome or expensive, given the needs of the case,
4 the discovery already had in the case, the amount in controversy, and the importance of the
5 issues at stake in the litigation. If an initial disclosure request, response, or objection is not
6 signed, it shall be stricken unless it is signed promptly after the omission is called to the attention
7 of the party making the initial disclosure request, response, or objection and a party shall not be
8 obligated to take any action with respect to it until it is signed.
9

10 If a certification is made in violation of the rule, the court, upon motion or upon its own
11 initiative, shall impose upon the person who made the certification, the party on whose behalf the
12 initial disclosure, request, response, or objection is made, or both, an appropriate sanction, which
13 may include an order to pay the amount of the reasonable expenses incurred because of the
14 violation, including reasonable attorney fees.
15

16 [renumbered (i) – (j) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF _____
STATE OF WASHINGTON

)	No.
)	
)	
Plaintiff(s),)	
)	JOINT <u>DISCOVERY PLAN AND</u>
)	STATUS REPORT
v.)	CR 26(f)
)	
Defendant(s))	
)	

The plaintiff must file and serve this Joint Discovery Plan and Status report no later than 14 days after the initial discovery conference between the parties.

The parties jointly represent that on the ____ day of ____, 20__, pursuant to CR 26(f)(1), they conducted an initial discovery conference and conferred regarding the subjects set for in CR 26(f)(12)(B). The parties submit this joint discovery plan and status report stating their positions and proposals on these subjects, as required by CR 26(f)(1)(C).

1. Joinder of Additional Parties.

☐ At this time, the parties do not believe that any additional parties should be joined.

☐ At this time, one or more parties plan to seek leave of court to join an additional party or parties. If this box is checked, describe any such proposed joinder of additional parties.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

2. Amendments to Pleadings.

☐ At this time, the parties do not plan on amending the pleadings.

☐ At this time, either or both parties plan to seek leave of court to amend their pleading. If this box is checked, describe any potential amendments.

3. Amendments to the Case Schedule, If Any.

☐ At this time, the parties do not plan to seek leave of court to amend the initial case schedule.

☐ At this time, one or more of the parties plan to seek leave of court to amend the initial case schedule. If this box is checked, describe any such amendments.

4. Possibilities for Promptly Resolving the Case.

The parties ☐ do ☐ do not agree that there are possibilities for promptly resolving the case. If the parties do agree, describe ~~any such possibilities and~~ the method and timing contemplated by the parties to determine whether prompt resolution is possible.

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SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

5. Scheduling of Early Mediation.

The parties [] do [] do not agree that early mediation in accordance with case schedule or court order is appropriate ~~in this case~~. If the parties do not agree, explain why describe when the parties believe mediation should be scheduled and any attempts the parties have made to schedule mediation.

6. Admissions and Stipulations About Facts.

The parties [] do [] do not agree that there are facts ~~which that~~ are either admitted or ~~which~~ can be addressed in a stipulation. If the parties do agree, list any such facts.

7. Agreements as to What Discovery May Be Conducted, ~~and~~ In What Order, and Any Limitations on Discovery.

The parties [] have [] have not agreed on a discovery plan as to the scope of discovery, the order in which discovery will be conducted, and any limitations on discovery. If the parties do agree, describe the agreed discovery plan. If the parties do not agree, describe the points on

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

1 which the parties agree and ~~the points on which the parties~~ disagree and when the parties intend
2 to present this issue to the Court for resolution.

3
4
5
6
7 **8. Preservation and Production of Discoverable Information, Including Documents**
8 **and Electronically Stored Information.**

9 Describe the parties' agreement, if any, as to preservation and production of discoverable
10 information. If the parties do not agree, describe the scope of the disagreement to be resolved by
11 the Court and when the parties intend to present this issue to the Court for resolution.

12
13
14
15
16
17 **9. Agreements for Asserting Privilege Regarding Materials to Be Produced.**

18 [] The parties have agreed on a procedure for asserting privilege regarding materials to be
19 produced ~~in this case~~. If this box is checked, describe the agreed procedure.

20 [] The parties have not agreed on a procedure for asserting privilege regarding materials to be
21 produced ~~in this case~~. If box is checked, describe the parties' disagreement and when the parties
22 intend to present this issue to the ~~C~~court for resolution.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

10. Agreements for Protective Orders Regarding Materials to Be Produced.

☐ The parties agree that a protective order should be entered regarding certain information and documents to be produced. If this box is checked, describe when the parties intend to present a proposed protective order to the Court.

☐ The parties do not agree that a protective order should be entered ~~in this case~~. If this box is checked, describe the parties' disagreement and when the parties intend to present this issue to the Court for resolution.

11. Other.

Describe any proposals by one or more parties that would facilitate the just, speedy, and inexpensive disposition of this action. For each such proposal, indicate if whether the parties agree.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

The undersigned certify that the parties reasonably cooperated to reach agreement on the matters set forth in this Joint Discovery Plan and Status Report.

Date: _____

For the Plaintiff:

Signature: _____

Printed Name: _____

Title (and WSBA number if applicable): _____

For the Defendant:

Signature: _____

Printed Name: _____

Title (and WSBA number if applicable): _____

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF _____
STATE OF WASHINGTON

)	No.
)	
)	
Plaintiff(s),)	
)	JOINT DISCOVERY PLAN AND
)	STATUS REPORT
v.)	CR 26(f)
)	
Defendant(s))	
)	

The plaintiff must file and serve this Joint Discovery Plan and Status report no later than 14 days after the initial discovery conference between the parties.

The parties jointly represent that on the _____ day of _____, 20____, pursuant to CR 26(f)(1), they conducted an initial discovery conference and conferred regarding the subjects set for in CR 26(f)(1)(B). The parties submit this joint discovery plan and status report stating their positions and proposals on these subjects, as required by CR 26(f)(1)(C).

1. Joinder of Additional Parties.

☐ At this time, the parties do not believe that any additional parties should be joined.

☐ At this time, one or more parties plan to seek leave of court to join an additional party or parties. If this box is checked, describe any such proposed joinder of additional parties.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

2. Amendments to Pleadings.

☐ At this time, the parties do not plan on amending the pleadings.

☐ At this time, either or both parties plan to seek leave of court to amend their pleading. If this box is checked, describe any potential amendments.

3. Amendments to the Case Schedule, If Any.

☐ At this time, the parties do not plan to seek leave of court to amend the initial case schedule.

☐ At this time, one or more of the parties plan to seek leave of court to amend the initial case schedule. If this box is checked, describe any such amendments.

4. Possibilities for Promptly Resolving the Case.

The parties ☐ do ☐ do not agree that there are possibilities for promptly resolving the case. If the parties do agree, describe the method and timing contemplated by the parties to determine whether prompt resolution is possible.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

5. Scheduling of Early Mediation.

The parties [] do [] do not agree that early mediation in accordance with case schedule or court order is appropriate. If the parties do not agree, explain why.

6. Admissions and Stipulations About Facts.

The parties [] do [] do not agree that there are facts that are either admitted or can be addressed in a stipulation. If the parties do agree, list any such facts.

7. Agreements as to What Discovery May Be Conducted, In What Order, and Any Limitations on Discovery.

The parties [] have [] have not agreed on a discovery plan as to the scope of discovery, the order in which discovery will be conducted, and any limitations on discovery. If the parties do agree, describe the agreed discovery plan. If the parties do not agree, describe the points on which the parties agree and disagree and when the parties intend to present this issue to the Court for resolution.

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SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

8. Preservation and Production of Discoverable Information, Including Documents and Electronically Stored Information.

Describe the parties' agreement, if any, as to preservation and production of discoverable information. If the parties do not agree, describe the scope of the disagreement to be resolved by the Court and when the parties intend to present this issue to the Court for resolution.

9. Agreements for Asserting Privilege Regarding Materials to Be Produced.

☐ The parties have agreed on a procedure for asserting privilege regarding materials to be produced. If this box is checked, describe the agreed procedure.

☐ The parties have not agreed on a procedure for asserting privilege regarding materials to be produced. If box is checked, describe the parties' disagreement and when the parties intend to present this issue to the court for resolution.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

10. Agreements for Protective Orders Regarding Materials to Be Produced.

☐ The parties agree that a protective order should be entered regarding certain information and documents to be produced. If this box is checked, describe when the parties intend to present a proposed protective order to the Court.

☐ The parties do not agree that a protective order should be entered. If this box is checked, describe the parties' disagreement and when the parties intend to present this issue to the court for resolution.

11. Other.

Describe any proposals by one or more parties that would facilitate the just, speedy, and inexpensive disposition of this action. For each such proposal, indicate if whether the parties agree.

The undersigned certify that the parties reasonably cooperated to reach agreement on the matters set forth in this Joint Discovery Plan and Status Report.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

1 Date: _____

2 For the Plaintiff:

3 Signature: _____

4 Printed Name: _____

5 Title (and WSBA number if applicable): _____

7
8 For the Defendant:

9 Signature: _____

10 Printed Name: _____

11 Title (and WSBA number if applicable): _____

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITION UPON ORAL EXAMINATION

1 [(a) – (c) unchanged.]

2 (d) Motion To Terminate or Limit Examination. At any time during the taking of the
3 deposition, on motion of a party or of the deponent and upon a showing that the examination is
4 being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress
5 the deponent or party, the court in which the action is pending or the court in the county where
6 the deposition is being taken may order the officer conducting the examination to cease forthwith
7 from taking the deposition, or may limit the scope and manner of the taking of the deposition as
8 provided in rule 26(~~de~~). If the order made terminates the examination, it shall be resumed
9 thereafter only upon the order of the court in which the action is pending. Upon demand of the
10 objecting party or deponent, the taking of the deposition shall be suspended for the time
11 necessary to make a motion for an order. The provisions of rule 37(a)(4) apply to the award of
12 expenses incurred in relation to the motion.

13 [(e) – (h) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITION UPON ORAL EXAMINATION

1 [(a) – (c) unchanged.]

2 (d) Motion To Terminate or Limit Examination. At any time during the taking of the
3 deposition, on motion of a party or of the deponent and upon a showing that the examination is
4 being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress
5 the deponent or party, the court in which the action is pending or the court in the county where
6 the deposition is being taken may order the officer conducting the examination to cease forthwith
7 from taking the deposition, or may limit the scope and manner of the taking of the deposition as
8 provided in rule 26(d). If the order made terminates the examination, it shall be resumed
9 thereafter only upon the order of the court in which the action is pending. Upon demand of the
10 objecting party or deponent, the taking of the deposition shall be suspended for the time
11 necessary to make a motion for an order. The provisions of rule 37(a)(4) apply to the award of
12 expenses incurred in relation to the motion.

13 [(e) – (h) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 32 – USE OF DEPOSITIONS IN COURT PROCEEDINGS

1 (a) Use of Depositions. At the trial or upon the hearing of a motion or an interlocutory
2 proceeding, any part or all of a deposition, so far as admissible under the Rules of Evidence
3 applied as though the witness were then present and testifying, may be used against any party
4 who was present or represented at the taking of the deposition or who had reasonable notice
5 thereof, in accordance with any of the following provisions:

6 [(a)(1) – (a)(4) unchanged.]

7 (5) The deposition of an expert witness may be used as follows:

8 (A) The discovery deposition of an opposing party's rule 26(c)(5) expert
9 witness, who resides outside the state of Washington, may be used if reasonable notice before the
10 trial date is provided to all parties and any party against whom the deposition is intended to be
11 used is given a reasonable opportunity to depose the expert again.

12 (B) The deposition of a health care professional, even though available to testify
13 at trial, taken with the expressly stated purpose of preserving the deponents testimony for trial,
14 may be used if, before the taking of the deposition, there has been compliance with discovery
15 requests made pursuant to rules 26(c)(5)(A)(i), 33, 34, and 35 (as applicable) and if the
16 opposing party is afforded an adequate opportunity to prepare, by discovery deposition of the
17 deponent or other means, for cross examination of the deponent.

18 Substitution of parties pursuant to rule 25 does not affect the right to use depositions previously
19 taken; and, when an action has been brought in any court of the United States or of any state and
20 another action involving the same issues and subject matter is afterward brought between the
21 same parties or their representatives or successors in interest, all depositions lawfully taken and
22 duly filed in the former action may be used in the latter as if originally taken therefor. A
23 deposition previously taken may also be used as permitted by the Rules of Evidence.

24 [(b) – (d) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 32 – USE OF DEPOSITIONS IN COURT PROCEEDINGS

(a) Use of Depositions. At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the Rules of Evidence applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with any of the following provisions:

[(a)(1) – (a)(4) unchanged.]

(5) The deposition of an expert witness may be used as follows:

(A) The discovery deposition of an opposing party's rule 26(c)(5) expert witness, who resides outside the state of Washington, may be used if reasonable notice before the trial date is provided to all parties and any party against whom the deposition is intended to be used is given a reasonable opportunity to depose the expert again.

(B) The deposition of a health care professional, even though available to testify at trial, taken with the expressly stated purpose of preserving the deponent's testimony for trial, may be used if, before the taking of the deposition, there has been compliance with discovery requests made pursuant to rules 26(c)(5)(A)(i), 33, 34, and 35 (as applicable) and if the opposing party is afforded an adequate opportunity to prepare, by discovery deposition of the deponent or other means, for cross examination of the deponent.

Substitution of parties pursuant to rule 25 does not affect the right to use depositions previously taken; and, when an action has been brought in any court of the United States or of any state and another action involving the same issues and subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor. A deposition previously taken may also be used as permitted by the Rules of Evidence.

[(b) – (d) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 33 – INTERROGATORIES TO PARTIES

1 [(a) unchanged.]

2 (b) Scope; Use at Trial. Interrogatories may relate to any matters which can be inquired
3 into under rule 26(~~cb~~), and the answers may be used to the extent permitted by the Rules of
4 Evidence.

5 An interrogatory otherwise proper is not necessarily objectionable merely because an
6 answer to the interrogatory involves an opinion or contention that relates to fact or the
7 application of law to fact, but the court may order that such an interrogatory need not be
8 answered until after designated discovery has been completed or until a pretrial conference or
9 other later time.

10 An interrogatory otherwise proper is not objectionable merely because the propounding
11 party may have other access to the requested information or has the burden of proof on the
12 subject matter of the interrogatory at trial.

13 [(c) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 33 – INTERROGATORIES TO PARTIES

1 [(a) unchanged.]

2 (b) Scope; Use at Trial. Interrogatories may relate to any matters which can be inquired
3 into under rule 26(c), and the answers may be used to the extent permitted by the Rules of
4 Evidence.

5 An interrogatory otherwise proper is not necessarily objectionable merely because an
6 answer to the interrogatory involves an opinion or contention that relates to fact or the
7 application of law to fact, but the court may order that such an interrogatory need not be
8 answered until after designated discovery has been completed or until a pretrial conference or
9 other later time.

10 An interrogatory otherwise proper is not objectionable merely because the propounding
11 party may have other access to the requested information or has the burden of proof on the
12 subject matter of the interrogatory at trial.

13 [(c) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 34 – PRODUCING OF DOCUMENTS, ELECTRONICALLY STORED
INFORMATION, AND THINGS OR ENTRY ONTO LAND FOR INSPECTION AND
OTHER PURPOSES

1
2 (a) Scope. Any party may serve on any other party a request within the scope of Rule
3 26(cb):

4 (1) to produce and permit the requesting party or the party's representative, to inspect,
5 copy, test, photograph, record, measure, or sample the following items in the responding party's
6 possession, custody, or control: any designated documents, electronically stored information, or
7 things including writings, drawings, graphs, charts, photographs, sound recordings, images, and
8 other data or data compilations stored in any medium from which information can be obtained,
9 either directly or, if necessary, after translation or conversion by the responding party into a
10 reasonably usable form, or to inspect and copy, test, or sample any things which constitute or
11 contain matters within the scope of rule 26(cb) and which are in the possession, custody or
12 control of the responding party; or

13 (2) to permit entry onto designated land or other property possessed or controlled by the
14 responding party, so that the requesting party may inspect, measure, survey, photograph, test, or
15 sample the property or any designated object, process or operation on it.

16 [(b) – (c) unchanged.]
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SUGGESTED AMENDMENT

SUPERIOR COURT CIVIL RULES (CR)

CR 34 – PRODUCING OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS OR ENTRY ONTO LAND FOR INSPECTION AND OTHER PURPOSES

1
2 (a) Scope. Any party may serve on any other party a request within the scope of Rule
3 26(c):

4 (1) to produce and permit the requesting party or the party's representative, to inspect,
5 copy, test, photograph, record, measure, or sample the following items in the responding party's
6 possession, custody, or control: any designated documents, electronically stored information, or
7 things including writings, drawings, graphs, charts, photographs, sound recordings, images, and
8 other data or data compilations stored in any medium from which information can be obtained,
9 either directly or, if necessary, after translation or conversion by the responding party into a
10 reasonably usable form, or to inspect and copy, test, or sample any things which constitute or
11 contain matters within the scope of rule 26(c) and which are in the possession, custody or control
12 of the responding party; or

13 (2) to permit entry onto designated land or other property possessed or controlled by the
14 responding party, so that the requesting party may inspect, measure, survey, photograph, test, or
15 sample the property or any designated object, process or operation on it.

16 [(b) – (c) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 36 – REQUEST FOR ADMISSION

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2 (a) Request for Admission. A party may serve upon any other party a written request for
3 the admission, for purposes of the pending action only, of the truth of any matters within the
4 scope of rule 26(c**b**) set forth in the request that relate to statements or opinions of fact or of the
5 application of law to fact, including the genuineness of any documents described in the request.
6 [the remainder of (a) unchanged]
7 [(b) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 36 – REQUEST FOR ADMISSION

(a) Request for Admission. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of rule 26(c) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request.

[the remainder of (a) unchanged]

[(b) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 37 – FAILURE TO MAKE DISCOVERY SANCTIONS

(a) Motion for Order Compelling Discovery. A party, upon reasonable notice to other parties and all persons affected thereby, and upon a showing of compliance with rule 26(j), may apply to the court in the county where the deposition was taken, or in the county where the action is pending, for an order compelling discovery as follows:

(1) Appropriate Court. An application for an order to a party may be made to the court in which the action is pending, or on matters relating to a deposition, to the court in the county where the deposition is being taken. An application for an order to a deponent who is not a party shall be made to the court in the county where the deposition is being taken.

(2) Motion. If a deponent fails to answer a question propounded or submitted under rules 30 or 31, or a corporation or other entity fails to make a designation under rule 30(b)(6) or 31(a), or a party fails to answer an interrogatory submitted under rule 33, or if a party, in response to a request for inspection submitted under rule 34, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, any party may move for an order compelling an answer or a designation, or an order compelling inspection in accordance with the request. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before the proponent applies for an order.

If the court denies the motion in whole or in part, it may make such protective order as it would have been empowered to make on a motion made pursuant to rule 26(d).

[(a)(3) – (a)(4) Unchanged]

(d) Failure of Party To Disclose, Attend at Own Deposition, ~~or~~ Serve Answers to Interrogatories, or Respond to Request for Production or Inspection. If a party or an officer, director, or managing agent of a party or a person designated under rule 30(b)(6) or 31(a) to testify on behalf of a party fails:

(1) To make initial disclosures;

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 37 – FAILURE TO MAKE DISCOVERY SANCTIONS

1 (24) ~~To~~ appear before the officer who is to take his or her deposition, after being served
2 with a proper notice; ~~or~~

3 (32) ~~To~~ serve answers or objections to interrogatories submitted under rule 33, after
4 proper service of the interrogatories; or

5 (43) ~~To~~ serve a written response to a request for production of documents or inspection
6 submitted under rule 34, after proper service of the request, the court in which the action is
7 pending on motion may make such orders in regard to the failure as are just, and among others it
8 may take any action authorized under sections (A), (B), and (C) of subsection (b)(2) of this rule.
9 In lieu of any order or in addition thereto, the court shall require the party failing to act or the
10 attorney advising the party or both to pay the reasonable expenses, including attorney fees,
11 caused by the failure, unless the court finds that the failure was substantially justified or that
12 other circumstances make an award of expenses unjust.

13 The failure to act described in this subsection may not be excused on the ground that the
14 discovery sought is objectionable, unless the party failing to act has applied for a protective order
15 ~~as provided by under~~ rule 26(~~de~~). For purposes of this section, an evasive or misleading answer
16 is ~~to be~~ treated as a failure to answer.

17 (e) Failure to Reasonably Cooperate. If a party or an attorney fails to reasonably
18 cooperate regarding any discovery matter as rule 1 or 26 requires, the court may, after
19 opportunity for hearing, require the party or attorney to pay the other party's reasonable
20 expenses, including attorney fees, caused by the failure.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 37 – FAILURE TO MAKE DISCOVERY SANCTIONS

1 (a) Motion for Order Compelling Discovery. A party, upon reasonable notice to other
2 parties and all persons affected thereby, and upon a showing of compliance with rule 26(j), may
3 apply to the court in the county where the deposition was taken, or in the county where the action
4 is pending, for an order compelling discovery as follows:

5 (1) Appropriate Court. An application for an order to a party may be made to the court in
6 which the action is pending, or on matters relating to a deposition, to the court in the county
7 where the deposition is being taken. An application for an order to a deponent who is not a party
8 shall be made to the court in the county where the deposition is being taken.

9 (2) Motion. If a deponent fails to answer a question propounded or submitted under rules
10 30 or 31, or a corporation or other entity fails to make a designation under rule 30(b)(6) or 31(a),
11 or a party fails to answer an interrogatory submitted under rule 33, or if a party, in response to a
12 request for inspection submitted under rule 34, fails to respond that inspection will be permitted
13 as requested or fails to permit inspection as requested, any party may move for an order
14 compelling an answer or a designation, or an order compelling inspection in accordance with the
15 request. When taking a deposition on oral examination, the proponent of the question may
16 complete or adjourn the examination before the proponent applies for an order.

17 If the court denies the motion in whole or in part, it may make such protective order as it
18 would have been empowered to make on a motion made pursuant to rule 26(d).

19 [(a)(3) – (a)(4) Unchanged]

20 (d) Failure of Party To Disclose, Attend at Own Deposition, Serve Answers to
21 Interrogatories, or Respond to Request for Production or Inspection. If a party or an officer,
22 director, or managing agent of a party or a person designated under rule 30(b)(6) or 31(a) to
23 testify on behalf of a party fails:

24 (1) To make initial disclosures;

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 37 – FAILURE TO MAKE DISCOVERY SANCTIONS

1 (2) To appear before the officer who is to take his or her deposition, after being served
2 with a proper notice;

3 (3) To serve answers or objections to interrogatories submitted under rule 33, after
4 proper service of the interrogatories; or

5 (4) To serve a written response to a request for production of documents or inspection
6 submitted under rule 34, after proper service of the request, the court in which the action is
7 pending on motion may make such orders in regard to the failure as are just, and among others it
8 may take any action authorized under sections (A), (B), and (C) of subsection (b)(2) of this rule.
9 In lieu of any order or in addition thereto, the court shall require the party failing to act or the
10 attorney advising the party or both to pay the reasonable expenses, including attorney fees,
11 caused by the failure, unless the court finds that the failure was substantially justified or that
12 other circumstances make an award of expenses unjust.

13 The failure to act described in this subsection may not be excused on the ground that the
14 discovery sought is objectionable, unless the party failing to act has applied for a protective order
15 under rule 26(d). For purposes of this section, an evasive or misleading answer is treated as a
16 failure to answer.

17 (e) Failure to Reasonably Cooperate. If a party or an attorney fails to reasonably
18 cooperate regarding any discovery matter as rule 1 or 26 requires, the court may, after
19 opportunity for hearing, require the party or attorney to pay the other party's reasonable
20 expenses, including attorney fees, caused by the failure.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 43 – TAKING OF TESTIMONY

1 [(a) – (e) unchanged]

2 (f) Adverse Party as Witness.

3 (1) Party or Managing Agent as Adverse Witness. A party, or anyone who at the time of
4 the notice is an officer, director, or other managing agent (herein collectively referred to as
5 “managing agent”) of a public or private corporation, partnership or association which is a party
6 to an action or proceeding may be examined at the instance of any adverse party. Attendance of
7 such deponent or witness may be compelled solely by notice (in lieu of a subpoena) given in the
8 manner prescribed in rule 30(b)(1) to opposing counsel of record. Notices for the attendance of a
9 party or of a managing agent at the trial shall be given not less than 10 days before trial
10 (exclusive of the day of service, Saturdays, Sundays, and court holidays). For good cause shown
11 in the manner prescribed in rule 26(de), the court may make orders for the protection of the party
12 or managing agent to be examined.

13 [(f)(2) – (f)(3) unchanged]

14 [(g) – (k) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 43 – TAKING OF TESTIMONY

1 [(a) – (e) unchanged]

2 (f) Adverse Party as Witness.

3 (1) Party or Managing Agent as Adverse Witness. A party, or anyone who at the time of
4 the notice is an officer, director, or other managing agent (herein collectively referred to as
5 “managing agent”) of a public or private corporation, partnership or association which is a party
6 to an action or proceeding may be examined at the instance of any adverse party. Attendance of
7 such deponent or witness may be compelled solely by notice (in lieu of a subpoena) given in the
8 manner prescribed in rule 30(b)(1) to opposing counsel of record. Notices for the attendance of a
9 party or of a managing agent at the trial shall be given not less than 10 days before trial
10 (exclusive of the day of service, Saturdays, Sundays, and court holidays). For good cause shown
11 in the manner prescribed in rule 26(d), the court may make orders for the protection of the party
12 or managing agent to be examined.

13 [(f)(2) – (f)(3) unchanged]

14 [(g) – (k) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 53.3 – APPOINTMENT OF MASTERS IN DISCOVERY MATTERS

1 [(a) – (c) unchanged]

2 (d) Powers. The order of reference to the master may specify the duties of the master. It
3 may direct that the master preside at depositions and make rulings on issues arising at the
4 depositions. It may direct the master to hear and report to the court on unresolved discovery
5 disputes and to make recommendations as to the resolution of such disputes, as to the imposition
6 of terms or sanctions to be assessed against any party, and as to which party or parties shall bear
7 the costs of the master. If directed by the court, the master shall prepare a report upon the matters
8 submitted to the master by the order of reference. A party may request that the report be sealed
9 pursuant to rule 26(~~de~~). The report with the rulings and recommendations of the master shall be
10 reviewed by the court and may be adopted or revised as the court deems just.

11 [(g) – (k) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 53.3 – APPOINTMENT OF MASTERS IN DISCOVERY MATTERS

1 [(a) – (c) unchanged]

2 (d) Powers. The order of reference to the master may specify the duties of the master. It
3 may direct that the master preside at depositions and make rulings on issues arising at the
4 depositions. It may direct the master to hear and report to the court on unresolved discovery
5 disputes and to make recommendations as to the resolution of such disputes, as to the imposition
6 of terms or sanctions to be assessed against any party, and as to which party or parties shall bear
7 the costs of the master. If directed by the court, the master shall prepare a report upon the matters
8 submitted to the master by the order of reference. A party may request that the report be sealed
9 pursuant to rule 26(d). The report with the rulings and recommendations of the master shall be
10 reviewed by the court and may be adopted or revised as the court deems just.

11 [(g) – (k) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

1 (a) Scope. This rule applies when a case schedule or court order requires mediation.

2 (b) Qualified Mediators.

3 (1) A judicial officer shall be considered a qualified mediator who may serve as a
4 mediator by agreement.

5 (2) The court shall maintain a list of other qualified mediators and has discretion to
6 modify the list. A qualified mediator shall demonstrate completion of mediation training or
7 experience mediating at least five matters as a mediator.

8 (3) The list of qualified mediators must include the following for each mediator:

9 (A) Name;

10 (B) Physical and electronic mail addresses;

11 (C) Telephone number;

12 (D) Fee schedule;

13 (E) Whether the mediator is qualified by training, experience, or both; and

14 (F) Preferred legal subject matters, if any.

15 (4) Each court shall establish a recommended fee schedule for assigned mediators and
16 update it annually.

17 (5) A person on the list of qualified mediators agrees to follow the procedures of this
18 rule if appointed and to accept appointment to one mediation each calendar year on a pro bono
19 basis. Refusal to accept a pro bono appointment may result in removal from the list.

20 (c) Selection of Mediator.

21 (1) Joint Selection of Mediator. Parties may by agreement select any person as
22 mediator, even one not on the court's list of qualified mediators. If the selected mediator agrees

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

to serve, the plaintiff shall file a notice of joint selection of mediator that includes the name and contact information of the mediator, and serve a copy upon the mediator.

(2) Assignment of Mediator. If the plaintiff fails to file the notice of joint selection of mediator by a deadline provided by a case schedule or court order, the court shall promptly assign a mediator from the approved list and notify the mediator and the parties of the assignment. If the mediator is unable to serve, the mediator shall notify the court within five days of assignment and the court shall appoint a new mediator.

(d) Mediation Procedure, Attendance.

(1) Mediation Procedure. The mediator shall confer with the parties to learn their needs, preferences, and recommendations. Based on the circumstances and input from the parties, the mediator will establish mediation procedures, including its form, length, and content.

(2) Attendance. All persons necessary to settle the matter and who have the necessary settlement authority should attend. The mediator may determine issues of attendance after consulting the parties, including whether any individual may attend by other than personal attendance.

(e) Notice of Compliance. No later than five days after commencement of mediation, the plaintiff shall file with the court a notice of compliance with this rule indicating that the parties held or commenced a mediation. The parties may continue mediation after an initial session and need not represent that mediation efforts are completed. The notice of compliance shall contain the following or substantially similar form:

Plaintiff hereby notifies the Court that on (Date/Dates), all parties met for mediation in compliance with CR 53.5.

(f) Mediator Compensation and Pro Bono Mediator.

(i) The parties shall pay the mediator's reasonable fee unless a court order provides otherwise. Unless otherwise ordered by the court or agreed by the parties, each party is

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

responsible for their proportional share of the reasonable mediation fee. Upon motion of any party, the court may resolve any disputes, including the reasonableness of the mediation fee.

(ii) A party who believes that any party is unable to afford mediation may request relief for that party from responsibility for the mediator's fee. The court may provide relief such as apportioning the fee among the remaining parties, requiring payment on a sliding scale, assigning a pro bono mediator, or any combination thereof. If the court approves the request for a pro bono mediator, the court shall promptly assign a mediator on a pro bono basis.

(g) Extension for Specific Objectives. After the initial discovery conference, any party may seek to extend the mediation deadline for a maximum period of 60 days if, after the initial discovery conference, the party believes that specified discovery or specified information exchange is necessary but is unlikely to be completed within the time limits prescribed in a case schedule or court order. This extension is without prejudice to any schedule modification otherwise available.

(h) Sanctions for Failure to Comply. Upon motion or on its own initiative, the court may impose an appropriate sanction on any party or attorney failing to comply with this rule. For purposes of this rule, a party may submit evidence to substantiate a claim for sanctions, but may not reveal substantive communications concerning any mediation. The court will not entertain any motion under this subsection unless the parties have first conferred regarding the motion. The moving party shall arrange for a mutually convenient conference in person or by telephone. Any motion seeking sanctions under this subsection shall include the moving party's certification that these conference requirements have been met or that the moving party has attempted in good faith to meet them. The court may also impose sanctions if it finds that any party or attorney willfully refused or failed to confer in good faith.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

NEW RULE: CR 53.5

1 (a) Scope. This rule applies when a case schedule or court order requires mediation.

2 (b) Qualified Mediators.

3 (1) A judicial officer shall be considered a qualified mediator who may serve as a
4 mediator by agreement.

5 (2) The court shall maintain a list of other qualified mediators and has discretion to
6 modify the list. A qualified mediator shall demonstrate completion of mediation training or
7 experience mediating at least five matters as a mediator.

8 (3) The list of qualified mediators must include the following for each mediator:

9 (A) Name;

10 (B) Physical and electronic mail addresses;

11 (C) Telephone number;

12 (D) Fee schedule;

13 (E) Whether the mediator is qualified by training, experience, or both; and

14 (F) Preferred legal subject matters, if any.

15 (4) Each court shall establish a recommended fee schedule for assigned mediators and
16 update it annually.

17 (5) A person on the list of qualified mediators agrees to follow the procedures of this
18 rule if appointed and to accept appointment to one mediation each calendar year on a pro bono
19 basis. Refusal to accept a pro bono appointment may result in removal from the list.

20 (c) Selection of Mediator.

21 (1) Joint Selection of Mediator. Parties may by agreement select any person as
22 mediator, even one not on the court's list of qualified mediators. If the selected mediator agrees

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

1 to serve, the plaintiff shall file a notice of joint selection of mediator that includes the name and
2 contact information of the mediator, and serve a copy upon the mediator.

3 (2) Assignment of Mediator. If the plaintiff fails to file the notice of joint selection of
4 mediator by a deadline provided by a case schedule or court order, the court shall promptly
5 assign a mediator from the approved list and notify the mediator and the parties of the
6 assignment. If the mediator is unable to serve, the mediator shall notify the court within five
7 days of assignment and the court shall appoint a new mediator.

8 (d) Mediation Procedure, Attendance.

9 (1) Mediation Procedure. The mediator shall confer with the parties to learn their needs,
10 preferences, and recommendations. Based on the circumstances and input from the parties, the
11 mediator will establish mediation procedures, including its form, length, and content.

12 (2) Attendance. All persons necessary to settle the matter and who have the necessary
13 settlement authority should attend. The mediator may determine issues of attendance after
14 consulting the parties, including whether any individual may attend by other than personal
15 attendance.

16 (e) Notice of Compliance. No later than five days after commencement of mediation, the
17 plaintiff shall file with the court a notice of compliance with this rule indicating that the parties
18 held or commenced a mediation. The parties may continue mediation after an initial session and
19 need not represent that mediation efforts are completed. The notice of compliance shall contain
20 the following or substantially similar form:

21 Plaintiff hereby notifies the Court that on (Date/Dates), all parties met for mediation in
22 compliance with CR 53.5.

23 (f) Mediator Compensation and Pro Bono Mediator.

24 (i) The parties shall pay the mediator's reasonable fee unless a court order provides
25 otherwise. Unless otherwise ordered by the court or agreed by the parties, each party is
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

1 responsible for their proportional share of the reasonable mediation fee. Upon motion of any
2 party, the court may resolve any disputes, including the reasonableness of the mediation fee.

3 (ii) A party who believes that any party is unable to afford mediation may request relief
4 for that party from responsibility for the mediator's fee. The court may provide relief such as
5 apportioning the fee among the remaining parties, requiring payment on a sliding scale,
6 assigning a pro bono mediator, or any combination thereof. If the court approves the request for
7 a pro bono mediator, the court shall promptly assign a mediator on a pro bono basis.

8 (g) Extension for Specific Objectives. After the initial discovery conference, any party
9 may seek to extend the mediation deadline for a maximum period of 60 days if, after the initial
10 discovery conference, the party believes that specified discovery or specified information
11 exchange is necessary but is unlikely to be completed within the time limits prescribed in a case
12 schedule or court order. This extension is without prejudice to any schedule modification
13 otherwise available.

14 (h) Sanctions for Failure to Comply. Upon motion or on its own initiative, the court may
15 impose an appropriate sanction on any party or attorney failing to comply with this rule. For
16 purposes of this rule, a party may submit evidence to substantiate a claim for sanctions, but may
17 not reveal substantive communications concerning any mediation. The court will not entertain
18 any motion under this subsection unless the parties have first conferred regarding the motion.
19 The moving party shall arrange for a mutually convenient conference in person or by telephone.
20 Any motion seeking sanctions under this subsection shall include the moving party's certification
21 that these conference requirements have been met or that the moving party has attempted in good
22 faith to meet them. The court may also impose sanctions if it finds that any party or attorney
23 willfully refused or failed to confer in good faith.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 77 – SUPERIOR COURTS AND JUDICIAL OFFICERS

1 [(a)-(h) unchanged.]

2 (i) ~~Sessions Where More than One Judge Sits—Effect of Decrees, Orders, etc.~~
3 ~~[Reserved. See RCW 2.08.160.]~~ Judicial Assignment. The court should assign a judicial officer
4 to each case upon filing. The assigned judicial officer shall conduct all proceedings in the case
5 unless the court reassigns the case to a different judicial officer on a temporary or permanent
6 basis. In counties where local conditions make routine judicial assignment impracticable, the
7 court may assign any case to a specific judicial officer on a party's motion or on its own
8 initiative.

9 [(j)-(n) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 77 – SUPERIOR COURTS AND JUDICIAL OFFICERS

1 [(a)-(h) unchanged.]

2 (i) Judicial Assignment. The court should assign a judicial officer to each case upon
3 filing. The assigned judicial officer shall conduct all proceedings in the case unless the court
4 reassigns the case to a different judicial officer on a temporary or permanent basis. In counties
5 where local conditions make routine judicial assignment impracticable, the court may assign any
6 case to a specific judicial officer on a party's motion or on its own initiative.

7 [(j)-(n) unchanged.]

SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

CRLJ 1 – SCOPE AND PURPOSE OF RULES

1 These rules govern the procedure in all trial courts of limited jurisdiction in all suits of a
2 civil nature, with the exceptions stated in rule 81. All parties and attorneys shall reasonably
3 cooperate with each other and the court in all matters. ~~They~~ These rules shall be construed and
4 administered consistently with this principle to secure the just, speedy, and inexpensive
5 determination of every action.
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SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

CRLJ 1 – SCOPE AND PURPOSE OF RULES

1 These rules govern the procedure in all trial courts of limited jurisdiction in all suits of a
2 civil nature, with the exceptions stated in rule 81. All parties and attorneys shall reasonably
3 cooperate with each other and the court in all matters. These rules shall be construed and
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SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

**CRLJ 11 – SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL
MEMORANDA; SANCTIONS**

(a) – (b) [Unchanged]

(c) Upon motion or on its own initiative, the court may impose an appropriate sanction on any party or attorney who violates the reasonable-cooperation mandate in rule 1. Sanctions may include an order to pay another party’s reasonable expenses due to the violation, including reasonable attorney fees. The court will not entertain any motion under this subsection unless the parties have first conferred. The moving party must arrange a mutually convenient in-person or telephonic conference. Any motion seeking sanctions under this subsection must include the moving party’s certification that these conference requirements were met or that the moving party attempted in good faith to meet them. The court may also impose sanctions if it finds that any party or attorney willfully failed or refused to confer in good faith.

SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

**CRLJ 11 – SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL
MEMORANDA; SANCTIONS**

1 (a) – (b) [Unchanged]

2 (c) Upon motion or on its own initiative, the court may impose an appropriate sanction on
3 any party or attorney who violates the reasonable-cooperation mandate in rule 1. Sanctions may
4 include an order to pay another party’s reasonable expenses due to the violation, including
5 reasonable attorney fees. The court will not entertain any motion under this subsection unless the
6 parties have first conferred. The moving party must arrange a mutually convenient in-person or
7 telephonic conference. Any motion seeking sanctions under this subsection must include the
8 moving party’s certification that these conference requirements were met or that the moving
9 party attempted in good faith to meet them. The court may also impose sanctions if it finds that
10 any party or attorney willfully failed or refused to confer in good faith.

**SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)**

CRLJ 26 - DISCOVERY

Consistent with rule 1, parties and attorneys shall reasonably cooperate with each other in using discovery methods; exchanging discoverable information; scheduling depositions, inspections, and examinations; and reducing the costs of discovery. Discovery in courts of limited jurisdiction shall be permitted as follows:

(a) – (g) [unchanged.]

SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)
CRLJ 26 - DISCOVERY

Consistent with rule 1, parties and attorneys shall reasonably cooperate with each other in using discovery methods; exchanging discoverable information; scheduling depositions, inspections, and examinations; and reducing the costs of discovery. Discovery in courts of limited jurisdiction shall be permitted as follows:

(a) – (g) [unchanged.]

ENCLOSURE 2

CIVIL LITIGATION RULES DRAFTING TASK FORCE

NAME/ADDRESS	PHONE	E-MAIL
Chair		
Kenneth W. Masters, Chair Masters Law Group 241 Madison Ave N Bainbridge Island, WA 981110	206.780.5033	ken@appeal-law.com
WSBA Members		
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Rebecca R. Glasgow Attorney General's Office PO Box 40100 Olympia, WA 98504-0100	360.664.3027	rebeccag@atg.wa.gov
Kim Gunning Columbia Legal Services 101 Yesler Way, Suite 300 Seattle, Washington 98104	206.332.7144	Kim.Gunning@columbialegal.org
Hillary Evans Graber Kenyon Disend 11 Front Street South Issaquah, WA 98027	425.392.7090	Hillary@kenyondisend.com
Caryn Jorgensen Mills Meyers Swartling 1000 2 nd Ave – Fl 30 Seattle WA 98104-1094	206.382.1000	cjorgensen@millsmeyers.com
Shannon Kilpatrick Dawson Brown, PS 1000 2 nd Ave – Ste 1420 Seattle WA 98104-1033	206.262.1444	shannon@dawson-brown.com
Jane Morrow Otorowski Johnston Morrow & Golden 298 Winslow Way W Bainbridge Island, WA 98110-2510	206.842.1000	jm@medilaw.com

WASHINGTON STATE BAR ASSOCIATION

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Hozaifa Y. Cassubhai Spiro Harrison 500 Union Street, Suite 800 Seattle, WA 98101-4051	206.899.1996	hcassubhai@spiroharrison.com
Judicial		
The Honorable John R. Ruhl King County Superior Court KCC-SC-0203 516 Third Avenue – Rm C203 Seattle, WA 98104-2381	206.477.1373	john.ruhl@kingcounty.gov
The Honorable Rebecca C. Robertson Federal Way Municipal Court 33325 8 th Ave S Federal Way WA 98003-6325	253.835.3000	rebecca.robertson@cityoffederalway.com
The Honorable Bradley A. Maxa The Court of Appeals, Div. II 950 Broadway, Suite 300 Tacoma, WA 98402	253.593.2975	J.B.Maxa@courts.wa.gov
The Honorable Paula L. McCandlis U.S. District Court P.O. Box 4196 Bellingham, WA 98227	360.306.7375	paula_mccandlis@wawd.uscourts.gov
The Honorable Aimee Maurer Spokane County District Court 1100 W. Mallon Avenue Spokane, WA 99260	509.477.4770	

WASHINGTON STATE BAR ASSOCIATION

<i>Clerks' Association</i>		
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Dan Bridges 3131 Western Ave., Suite 410 Seattle, WA 98121-1036	425.462.4000	DanBOG@mcbdlaw.com
<i>Supreme Court Liaison</i>		
Shannon Hinchliffe Administrative Office of the Courts PO Box 41174 Olympia WA 98504-1170	360.357.2124	Shannon.Hinchcliffe@courts.wa.gov
<i>WSBA Staff Liaison</i>		
Nicole Gustine Washington State Bar Association 1325 Fourth Avenue, Suite 600 Seattle, WA 98101-2539	206.727.8237	NicoleG@wsba.org

ENCLOSURE 3



WSBA

WASHINGTON STATE BAR ASSOCIATION

CIVIL LITIGATION RULES DRAFTING TASK FORCE

(Adopted by the WSBA Board of Governors November 18, 2016)

CHARTER

Background

The WSBA Board of Governors created the Task Force on the Escalating Cost of Civil Litigation (ECCL Task Force) in 2011 to assess the costs of civil litigation in Washington courts and develop recommendations to control costs, with the objective to make the civil justice system both affordable and accessible while preserving the paramount goal of justly resolving disputes. The ECCL Task Force charter directed the task force to focus on the types of litigation typically filed in our state's superior and district courts, to compare litigation costs in Washington with those in neighboring and similarly situated states and in federal courts, and to survey pertinent reports and recommendations from prominent organizations.

Seattle lawyer and former Board member Russ Aoki chaired the 17-member task force, which issued its final report June 15, 2015 ("Task Force on the Escalating Costs of Civil Litigation Final Report to the Board of Governors") and presented the report to the Board of Governors at its July 2015 meeting. The Board convened public discussions on each of the report's recommendations during its January, March, and April 2016 meetings. It also received numerous written comments from members and stakeholders. At the June 3, 2016, meeting, the Board held a first reading and took provisional votes on the twelve specific task force recommendations. The Board took final action on each task force recommendation at its July 22, 2016 meeting and issued a report ("Report of the Board of Governors of the Washington State Bar Association on the Recommendations of the Escalating Costs of Civil Litigation Task Force"), which was shared with the Supreme Court in August 2016.

Many of the Board-supported recommendations of the ECCL Task Force would require implementing amendments to the Superior Court Civil Rules and/or the Civil Rules for Courts of Limited Jurisdiction. Under WSBA Bylaws Section IX(B)(2), the Board creates and authorizes a drafting task force with the specific purposes set forth in this charter.

Task Force Purpose

- Review the recommendations of the Board of Governors addressing the ECCL Task Force Report and determine whether amendments to Washington's Civil Rules are needed to implement the recommendations.
- Prepare draft amendments to the Superior Court Civil Rules and/or the Civil Rules for Courts of Limited Jurisdiction (together with necessary and appropriate conforming amendments to other rules).

- Solicit and receive input from lawyers, judges, and other interested persons and entities, on the suggested amendments.
- After consideration of the input, present a set of suggested rule amendments to the Board of Governors.

Timeline

- Submit a final set of draft rule amendments for first reading by the Board of Governors by no later than the Board's May 2018 meeting.
- Prepare a Board-approved set of suggested rule amendments for submission to the Supreme Court before the first available GR 9 deadline after the draft amendments are approved by the Board.
- The Task Force should provide updates to the Board of Governors every six months on its progress.

Membership

This Task Force will consist of the following voting members:

- A WSBA member who shall serve as Chair;
- Not fewer than ten WSBA members knowledgeable about Washington's superior court and/or district court civil justice systems, including at least one civil trial lawyer with substantial experience representing plaintiffs, at least one civil trial lawyer with substantial experience representing defendants, and at least one lawyer or judge who is a current or former member of the Washington State Access to Justice Board;
- A superior court judge and a district court judge;
- A representative of the Washington State Association of County Clerks.

This Task Force may also include the following voting members, if available to serve:

- A representative from the Washington Court of Appeals;
- A representative of the federal judiciary.

In accordance with WSBA Bylaws Section IX(B)(2)(a)-(b), selection of persons to be appointed to the task force and the chair will be made by the President with approval of the Board of Governors.

ENCLOSURE 4

Stakeholders List

COURTS	
Organization	Name
Supreme Court	Shannon Hinchcliffe AOC Liaison
Court of Appeals, Div. 1	Presiding Chief Judge Laurel Siddoway
Court of Appeals, Div. 2	Chief Judge Brad Maxa
Court of Appeals, Div. 3	Judge Kevin Korsmo
Superior Court Judges Association (SJCA)	Judge Harold Clarke (term ends 4/24/17) Judge Michael Downes (term starts 4/25/17)
District & Municipal Court Judges Association (DMCJA)	Judge G. Scott Marinella, President Judge Franklin Dacca, Chair of Rules Committee

SPECIALTY BARS	
Organization	Name
WA Defense Trial Lawyers (WDTL)	Jon Morrone (Court Rules)
	Lori O'Tool, President
	Peter Ritchie, President-elect
WA Association for Justice (WSAJ)	Darrell Cochran, President
	Jane Morrow(Chair, Court Rules)
NW Justice Project	Deborah Perluss, Director of Advocacy/General

Stakeholders List

SPECIALTY BARS	
	Counsel
WA Association of Criminal Defense Lawyers	Patricia Fulton, President
WA Appellate Lawyers Association	David Zuckerman, Co-Chair
	James Whisman, Co-Chair
WA Defender Association	Keith Tyne, President Daryl Rodrigues, President-elect
International Assoc. of Defense Counsel (IADC)	John T. Lay Jr.
WA Assoc. of Prosecuting Attorneys (WAPA)	Pam Loginsky, Staff Attorney
WA State Assoc. of Municipal Attorneys (WSAMA)	Cary Driskell, President
	Flannary Collins, Secretary
Public Defenders Association	Lisa Daugaard, Director
ACLU of WA	Kathleen Taylor, Executive Director
International Association of Defense Counsel (IADC)	Mary Beth Kurzak, Executive Director
Columbia Legal	Nick Allen

MINORITY BAR ASSOCIATIONS	
Organization	Name
Asian Bar Association	Janene Sohng President

Stakeholders List

MINORITY BAR ASSOCIATIONS	
Cardozo Society	Aric Bomsztyk President
Filipino Lawyers of WA	Eilene Limric President Jennifer Cruz President-Elect
QLaw – LGBT Bar Assoc.	Alison L. Warden President Dan Shih President-Elect
Korean Bar Assoc.	Crystal Nam President Paige Hardy President-Elect
Latina/Latino Bar Assoc.	Aimee Sutton President Veronica Quinonez President-Elect
Loren Miller Bar Assoc.	Chris Sanders President Erika Evans President-Elect
Middle Eastern Legal Assoc.	Shamimi Mohandessi President Mohamed Khalil President-Elect
Mother Attorneys Mentoring Assoc.	Stephanie Berntsen President
Northwest Indian Bar Assoc.	Sarah Lawson President Christina Parker

Stakeholders List

MINORITY BAR ASSOCIATIONS	
	President-Elect
Pierce County Minority Bar Assoc.	Mark Brady
Slavic Bar Assoc.	Barry Wallis President
South Asian Bar Assoc.	Shathi Raghu President Smriti Chandrashekar President-Elect
Vietnamese American Bar Assoc.	Linda Tran President D.Sho Ly President-Elect
WA Attorneys with Disabilities Assoc.	Conrad Reynoldson President
WA Veterans Bar Assoc.	Thomas Jarrad President
WA Women Lawyers	Jacki Badal President Lisa Keeler President-Elect

SECTIONS ¹	
Organization	Name
Administrative Law	Polly McNeill, Chair
Alternative Dispute Resolution (ADR)	Courtney Kaylor, Chair
Animal Law	Adam Karp, Chair
Antitrust, Consumer Protection and Unfair Business Practices	Christopher Wyant, Chair

¹ Paris Eriksen, WSBA Sections Program Manager, distributed all rule proposals by email to Section Leaders.

Stakeholders List

SECTIONS ¹	
Business Law	Andrew Steen, Chair
Civil Rights Law	La Rond Baker, Chair
Construction Law	Athan Tramountanas, Chair
Corporate Counsel	Scott Schrum, Chair
Creditor Debtor Rights	Tom Linde, Chair
Criminal Law	Hugh Birgenheier, Chair
Elder Law	Megan Farr, Chair
Environmental and Law Use Law	Kristie Elliott, Chair
Family Law	Rhea Rolfe, Chair
Health Law	Lee Kuo, Chair
Indian Law	Claire Newman, Chair
Intellectual Property	Kevin Zeck, Chair
International Practice	Matthew Dresden, Chair
Juvenile Law	Daewoo Kim, Chair Jana Heyd, Co-Chair
Labor and Employment Law	James Shaker, Chair
Legal Assistance to Military Personnel (LAMP)	Sharon Powell, Chair
LGBT Law	Dana O'Day-Senior Betsy Crumb
Litigation	Phil Havers, Chair
Low Bono	John Varga, Chair
Real Property, Probate and Trust	RoseMary Reed, Chair
Senior Lawyers	Brian Comstock, Chair
Solo and Small Practice	Nancy Pacharzina, Chair
Taxation	Sandra Veliz, Chair
World Peace Through Law	Vacant

Stakeholders List

COUNTY BAR ASSOCIATIONS	
Organization	Name
Adams County	Steven Herbert Sackmann
Asotin, Columbia, Garfield County (Hells Canyon Bar Assoc.)	Kate Hawkins
Benton-Franklin County	Diana N. Ruff
Chelan-Douglas County	Travis C. Brandt
Clallam County	Stephanie Wyatt
Clark County	Mark Sampath
Cowlitz-Wahkiakum County	David Nelson
East King County	Chris Pirnke
Ferry County	James Von Sauer
Grant County	Trevor Bevier
Grays Harbor County	Jean Cotton
Island County	Anna Thompson
Jefferson County	Eileen Baratuci
King County	Andrew J. Prazuch, Executive Director
	Andrew Maron, President
Kitsap County	Tom Weaver
Kittitas County	John Ufkes
Klickitat-Skamania County	Joanne Gallagher
Lewis County	Samuel L. Groberg
Lincoln County	Lee Russell McGuire Jr.
Mason County	Julie Sund Nichols
Okanogan County	Ted Reinbold
Pacific County	Edward Penoyar
Pend Oreille County	Douglas Lambarth
San Juan County	John Chessell
Skagit County	Heather Webb
Snohomish County	Michael O'Meara

Stakeholders List

COUNTY BAR ASSOCIATIONS	
South King County	Katelyn Smythe
Spokane County	Julie Griffith, Executive Director
	Marla Koskins, President
Stevens County	Nicholas Force
Tacoma-Pierce County	Kit Kasner, Executive Director
	Diane Clarkson, President
Thurston County	Trevor Zandell
Walla Walla County	Michelle Mulhern
Whatcom County	David Brown
Whitman County	Luke E. Baumgarten
Yakima County	Quinn Dalan

OTHER STAKEHOLDERS	
Organization	Name
Office of Assigned Counsel (Thurston County)	Patrick O’Conner (Superior Court)
	Alex Frix (District Court)
	Sharonda D. Amamilo (Family and Juvenile Court)
Office of Assigned Counsel (Pierce County)	Kriston McDonough, Lead Attorney (Civil Contempt Unit)
	Jean O’Loughlin, Lead Attorney (Delinquency Unit)

Stakeholders List

OTHER STAKEHOLDERS	
	Jessica Campbell (District Court)
Tacoma Municipal Court Unit	Denise Whitley
Access to Justice Board	Geoffrey Revelle, Chair
Limited License Legal Technician Board	Steve Crossland, Chair
Limited Practice Board	Shelley Miner, Chair
MCLE Board	Melissa Skelton, Chair
N/A	Karl Tegland
AGs Office	Rebecca Glasgow
Kitsap County Bar Assoc. Civil Practice & Procedure Committee	Phil Havers
N/A	Elizabeth Turner

MEMORANDUM

To: WSBA President, President-Elect, Immediate Past President, and Board of Governors

From: Shannon Kilpatrick, Chair, WSBA Court Rules and Procedures Committee

Date: July 11, 2018

Re: Suggested Amendments to CrR 1.3, 3.4, and 4.4; CrRLJ 4.2, 4.4, and 7.3; and CR 30

FIRST READING: Approve suggested amendments to CrR 1.3, 3.4, and 4.4; CrRLJ 4.2, 4.4, and 7.3; and CR 30 for submission to the Washington Supreme Court.

As part of the Supreme Court's rules review cycle, the WSBA Court Rules & Procedures Committee (Committee) reviewed the CrRLJ's and the CrR's for the 2017-18 year. The Committee also reviewed a proposal to amend CR 30. Based on this study, the Committee recommends the following actions on the above-referenced rules.

For all of the suggested amendments, the Subcommittee reached out to the long list of stakeholders maintained by the WSBA. That stakeholder list is attached as **Enclosure 1**, which includes (among others) judicial organizations, all WSBA sections, all minority bar associations, specialty bar associations, prosecutor and public defender agencies, the ACLU, legal aid organizations, the Access to Justice Task Force, county bar associations, and civil litigation groups.

If approved, the Committee anticipates submitting these amendments to the Washington Supreme Court after the BOG has completed its consideration.

Superior Court Criminal Rules (CrR)

The CrR Subcommittee reviewed the CrR's with an eye toward correcting errors and bringing the rules up to date with current law.

Based on its review, the CrR Subcommittee recommended the following suggested amendments, which were adopted by the full Committee:

1. CrR 1.3. Attached as **Enclosure 2** are the redlined and clean versions of the suggested amendments to CrR 1.3. CrR 1.3 governs the effect of the Superior Court Criminal Rules.

The suggested amendment eliminates subsection (a) to remove the reference stating that the adoption of these rules did not impair any actions taken under prior versions of the rules. The CrR's were adopted in 1973. Subsection (a) was originally designed to provide

continuity in procedure for cases pending on the date the CrR's first became effective. As that is no longer a concern, the suggested amendment will clarify the rule and be consistent with case law that new criminal rules apply to pending cases, regardless of when the case began, unless the court finds the interest of justice would be served by adhering to the prior formulation. *State v. Matlock*, 27 Wn. App. 152, 157, 616 P.2d 684 (1980); *State v. Olmos*, 129 Wn. App. 750, 757, 120 P.3d 139 (2005).

The suggested amendment also eliminates the last clause of the last sentence in subsection (b), "...or because of infeasibility of application of the procedures of these rules." The rule already allows the court to find the prior procedures should be used if it is in the "interest of justice." The last clause about infeasibility is redundant. The court already has the authority to apply the prior rules if it is in the "interest of justice," which can include that it is infeasible.

The Subcommittee did not receive any stakeholder feedback.

This suggested amendment passed the Committee 19-0.

2. CrR 3.4(c). Attached as **Enclosure 3** are the redlined and clean versions of the suggested amendments to CrR 3.4(c). CrR 3.4 governs when the presence of the defendant is required. Subsection (a) requires the presence of the defendant at all "necessary stages, unless excused or excluded for good cause shown. Subsection (c) allows the court to issue a warrant where the defendant is absent when his or her presence is necessary.

This amendment is intended to clarify that bench warrants can issue post-sentencing, but not for failure to pay legal financial obligations (LFO's), unless that failure to pay was willful. The Subcommittee was concerned about the reported practice of bench warrants being issued for the failure to pay LFO's in some counties without any sort of individualized finding that the failure to pay is willful. Committee members who practice in this area reported significant problems with this practice in eastern parts of the state. There are reportedly several lawsuits against counties for this kind of practice.

The current rule arguably does not explicitly allow for bench warrants to be issued for post-sentencing matters because the definition of when the defendant's presence is "necessary" under (a) does not include matters that occur after the imposition of sentence. Thus, this amendment is intended to clarify that courts may issue bench warrants post-sentencing, but not for failure to pay LFO's until there has been a hearing in which the court has found a willful failure to pay. (The analysis on willfulness necessarily includes a review of whether the defendant has the ability to pay the LFO's.) However, the amendment allows a bench warrant to issue for other types of post-sentencing hearings for which there has been an order to appear.

During the drafting process, the Washington State Association of County Clerks expressed concern that the rule preserve the ability to issue bench warrants after the court finds the failure to pay is willful. The addition of the last sentence addresses this concern:

“However, no warrant shall issue for failure to pay legal financial obligations unless, after a hearing on the record, the court finds the failure to pay is willful.”

No other stakeholder provided any feedback opposing these changes.

The Committee was satisfied the WSACC concerns were met. This suggested amendment passed the Committee by a vote of 15-4.

At the suggestion of the Committee, the Subcommittee withdrew a separate suggested amendment to CrR 3.4(b) because of concerns about the unintended consequences it could create.

3. CrR 4.4(b). Attached as **Enclosure 4** are the redlined and clean versions of the suggested amendments to CrR 4.4(b). Rule 4.4 governs the severance of offenses and defendants. CrR 4.4(b) allows the severance of offenses under certain circumstances.

As currently written, in Section (b), the reference to “other than under section (a)” in Section (b) was confusing and made little sense. Section (a) governs the timeliness of a motion to sever. But according to the language of Section (b), the court shall grant a severance “other than under section (a).” It’s unclear why this confusing reference was in the rule or if it was the victim of a prior amendment at some point that failed to update references.

The proposed amendment reinforces that all defense motions to sever must be timely “pursuant” to Section (a).

The next change was to (c)(2). Section (c) governs severance of defendants. In subsection (c)(2), the change would correct an unclear reference back to an earlier section. Subsection (c)(2) directs the court to grant a severance of defendant “other than under subsection (i).” It was unclear However, the only (i) was in subsection (c)(1)(i). The proposedThe reference to subsection (i) is confusing since there are two subsections (i) in the rule. Specific reference to (c)(1) clarifies that a defense motion to sever defendants will not be granted under (c)(2) on the basis of out-of-court statements of a co-defendant where it does not meet the requirements of (c)(1).

There was some stakeholder feedback to this suggested amendment. The Washington Defender Agency felt the “timely” requirement should apply to both the prosecution and defense. A practitioner responded that he felt that the word “timely” had no meaning in this circumstance.

The Committee discussed this feedback and several Committee members voiced these same concerns. Several felt like the “timely” requirement should be reciprocal and apply to both the prosecution and defense.

Some Committee members thought there was no point of including “timely” in Section (c) because Section (a) already governs timeliness. After discussion, the Subcommittee

accepted a friendly amendment to remove the word “timely.” Because timeliness was already addressed in Section (a), the Committee felt it was best to leave out any further requirement of “timely” and avoid any unintended consequences.

This suggested amendment, which included the friendly amendment, passed the Committee 15-0 with four abstentions.

The CrR Subcommittee had two other suggested amendments that were pulled back for further study after discussion with the full Committee.

Criminal Rules for Courts of Limited Jurisdiction (CrRLJ)

The CrRLJ Subcommittee reviewed the rules with an eye toward correcting any obvious errors and to consider whether any proposals adopted by the CrR Subcommittee would be appropriate for the CrRLJ’s.

After its review, the CrRLJ Subcommittee recommended the following suggested amendments, which were adopted by the full Committee:

1. CrRLJ 4.2. Attached as **Enclosure 5** are the redlined and clean versions of the suggested amendments to CrRLJ 4.2. CrRLJ 4.2 governs pleas and pretrial disposition. The suggested amendments are not substantive. They simply correct transposed numbers in references to certain RCWs. Specifically, the suggested amendments propose correcting the following statutory references in CrRLJ 4.2(g)(6):
 - From RCW **64**.61.504 to RCW **46**.61.504;
 - From RCW **456**.20.740(3) to RCW **46**.20.740(3); and
 - From RCW **64**.61.504 to RCW **46**.61.504.

No stakeholders opposed these suggested amendments. The Washington Defender Association supported the changes. One practitioner provided additional corrected references, which were then verified and incorporated into the suggested amendment before the Committee.

This proposal was adopted by the Committee unanimously.

2. CrRLJ 4.4(c). Attached as **Enclosure 6** are the redlined and clean versions of the suggested amendments to CrRLJ 4.4(c). CrRLJ 4.4(c) governs the severance of offenses and defendants in courts of limited jurisdiction. The suggested amendment was intended to mirror the language in the suggested amendment to CrR 4.4(b) above, to ensure the references to other subsections are correct and not confusing. The reason for this suggested amendment is the same as the suggested amendment to CrR 4.4(b). Please see explanation above of the CrR 4.4(b) suggested change.

The only stakeholder feedback received on this proposal was from the Washington Defender Association, which supported the amendment.

After a friendly amendment to ensure the language was identical to CrR 4.4(b) (taking out the timely requirement), the full Committee adopted the suggested amendment 16-0 with two abstentions.

3. CrRLJ 7.3. Attached as **Enclosure 7** are the redlined and clean versions of the suggested amendments to CrRLJ 7.3. CrRLJ 7.3 governs judgments. This suggested amendment simply removes unnecessary **bold** text. It wasn't clear why the text was bold to begin with since bolding is usually reserved for headings, not text. The only stakeholder who provided feedback, the Washington Defender Association, supported the proposal. This suggested amendment passed the Committee unanimously.

Superior Court Civil Rule (CR) 30

Attached as **Enclosure 8** are the redlined and clean versions of the suggested amendments to CR 30(b)(8).

Last fall, the Committee received a request from a practitioner to amend CR 30, which governs the taking of depositions in civil cases, to account for technology changes that have occurred since the rule's last revision. Subcommittee X—the subcommittee that takes up any out of cycle rule proposals—was tasked with reviewing the proposal.

This suggested amendment recommends updating the language of Civil Rule 30(b)(8), which addresses depositions being recorded by videotape. The proposed revisions aimed to accomplish two changes:

1. Remove all references to “video tape(s)” or “video taping,” and replace them with the more generic term “video record” or “video recording;” and
2. Address circumstances in which the original video recording is stored in the cloud or on a remote server (as opposed to storing on a fixed medium, such as a video tape) and to require information about such storage to be included in the certificate provided by videographers.

The Subcommittee worked with the practitioner to make a few minor changes to his proposal. The Subcommittee ultimately believed these changes are not substantive, but necessary to update the rule to reflect how litigants are using video recordings.

In addition to the long stakeholder list, the Subcommittee reached out to videographer firms in Seattle to get their input. The only firm to respond, Prolumina, supported the first change, it did not support the second change, the new certification requirement because it would require changes to the existing format of the certification. The District and Municipal Court Judges'

Association was the only other stakeholder to provide feedback, and it supported the suggested amendment.

The Committee's discussion focused on the second of the proposed changes, which adds a sentence to subsection CR 30(b)(8)(H):

After the deposition has been taken, the operator of the videotape recording equipment shall ~~attach to~~ submit with the videotape recording a certificate that the recording is a correct and complete record of the testimony by the deponent. If the video recording is stored exclusively on a computer or service (including cloud storage) and not on an easily removable and portable storage device, the certificate shall so state and indicate measures taken to preserve it.

There was concern on the Committee that this new sentence imposed an additional requirement on those video recording depositions, which would require them to not only to update their form, but to also provide information about how the recording is being preserved. This could create a burden on some, though it likely wouldn't be burdensome to most large videographer firms.

Others on the Committee felt that the burden was minimal. Those who video record depositions already needed to provide a form with a certification on it. This new certification language would be added to the form once, and could then be used for all video recordings thereafter.

The Committee took up the two suggested amendments separately. The Committee adopted unanimously the suggested amendment to change "video tape(s)" or "video taping" to "video record" or "video recording."

The second part, the new certification language, passed 8-7 with two abstentions.

ENCLOSURES:

- Enclosure 1: WSBA Court Rules & Procedures Committee stakeholder list.
- Enclosure 2: redline and clean versions of suggested amendments to CrR 1.3.
- Enclosure 3: redline and clean versions of suggested amendments to CrR 3.4(c).
- Enclosure 4: redline and clean versions of suggested amendments to CrR 4.4(b).
- Enclosure 5: redline and clean versions of suggested amendments to CrRLJ 4.2.
- Enclosure 6: redline and clean versions of suggested amendments to CrRLJ 4.4(c).
- Enclosure 7: redline and clean versions of suggested amendments to CrRLJ 7.3.
- Enclosure 8: redline and clean versions of suggested amendments to CR 30(b)(8).

ENCLOSURE 1

Stakeholders List

COURTS	
Organization	Name
Supreme Court	Shannon Hinchcliffe AOC Liaison
Court of Appeals, Div. 1	Presiding Chief Judge Laurel Siddoway
Court of Appeals, Div. 2	Chief Judge Brad Maxa
Court of Appeals, Div. 3	Judge Kevin Korsmo
Superior Court Judges Association (SJCA)	Judge Harold Clarke (term ends 4/24/17) Judge Michael Downes (term starts 4/25/17)
District & Municipal Court Judges Association (DMCJA)	Judge G. Scott Marinella, President Judge Franklin Dacca, Chair of Rules Committee

SPECIALTY BARS	
Organization	Name
WA Defense Trial Lawyers (WDTL)	Jon Morrone (Court Rules)
	Lori O'Tool, President
	Peter Ritchie, President-elect
WA Association for Justice (WSAJ)	Darrell Cochran, President
	Jane Morrow(Chair, Court Rules)
NW Justice Project	Deborah Perluss, Director of Advocacy/General

Stakeholders List

SPECIALTY BARS	
	Counsel
WA Association of Criminal Defense Lawyers	Patricia Fulton, President
WA Appellate Lawyers Association	David Zuckerman, Co-Chair
	James Whisman, Co-Chair
WA Defender Association	Keith Tyne, President Daryl Rodrigues, President-elect
International Assoc. of Defense Counsel (IADC)	John T. Lay Jr.
WA Assoc. of Prosecuting Attorneys (WAPA)	Pam Loginsky, Staff Attorney
WA State Assoc. of Municipal Attorneys (WSAMA)	Cary Driskell, President
	Flannary Collins, Secretary
Public Defenders Association	Lisa Dugaard, Director
ACLU of WA	Kathleen Taylor, Executive Director
International Association of Defense Counsel (IADC)	Mary Beth Kurzak, Executive Director
Columbia Legal	Nick Allen

MINORITY BAR ASSOCIATIONS	
Organization	Name
Asian Bar Association	Janene Sohng President

Stakeholders List

MINORITY BAR ASSOCIATIONS	
Cardozo Society	Aric Bomsztyk President
Filipino Lawyers of WA	Eilene Limric President Jennifer Cruz President-Elect
QLaw – LGBT Bar Assoc.	Alison L. Warden President Dan Shih President-Elect
Korean Bar Assoc.	Crystal Nam President Paige Hardy President-Elect
Latina/Latino Bar Assoc.	Aimee Sutton President Veronica Quinonez President-Elect
Loren Miller Bar Assoc.	Chris Sanders President Erika Evans President-Elect
Middle Eastern Legal Assoc.	Shamimi Mohandessi President Mohamed Khalil President-Elect
Mother Attorneys Mentoring Assoc.	Stephanie Berntsen President
Northwest Indian Bar Assoc.	Sarah Lawson President Christina Parker

Stakeholders List

MINORITY BAR ASSOCIATIONS	
	President-Elect
Pierce County Minority Bar Assoc.	Mark Brady
Slavic Bar Assoc.	Barry Wallis President
South Asian Bar Assoc.	Shathi Raghu President Smriti Chandrashekar President-Elect
Vietnamese American Bar Assoc.	Linda Tran President D.Sho Ly President-Elect
WA Attorneys with Disabilities Assoc.	Conrad Reynoldson President
WA Veterans Bar Assoc.	Thomas Jarrad President
WA Women Lawyers	Jacki Badal President Lisa Keeler President-Elect

SECTIONS ¹	
Organization	Name
Administrative Law	Polly McNeill, Chair
Alternative Dispute Resolution (ADR)	Courtney Kaylor, Chair
Animal Law	Adam Karp, Chair
Antitrust, Consumer Protection and Unfair Business Practices	Christopher Wyant, Chair

¹ Paris Eriksen, WSBA Sections Program Manager, distributed all rule proposals by email to Section Leaders.

Stakeholders List

SECTIONS ¹	
Business Law	Andrew Steen, Chair
Civil Rights Law	La Rond Baker, Chair
Construction Law	Athan Tramountanas, Chair
Corporate Counsel	Scott Schrum, Chair
Creditor Debtor Rights	Tom Linde, Chair
Criminal Law	Hugh Birgenheier, Chair
Elder Law	Megan Farr, Chair
Environmental and Law Use Law	Kristie Elliott, Chair
Family Law	Rhea Rolfe, Chair
Health Law	Lee Kuo, Chair
Indian Law	Claire Newman, Chair
Intellectual Property	Kevin Zeck, Chair
International Practice	Matthew Dresden, Chair
Juvenile Law	Daewoo Kim, Chair Jana Heyd, Co-Chair
Labor and Employment Law	James Shaker, Chair
Legal Assistance to Military Personnel (LAMP)	Sharon Powell, Chair
LGBT Law	Dana O'Day-Senior Betsy Crumb
Litigation	Phil Havers, Chair
Low Bono	John Varga, Chair
Real Property, Probate and Trust	RoseMary Reed, Chair
Senior Lawyers	Brian Comstock, Chair
Solo and Small Practice	Nancy Pacharzina, Chair
Taxation	Sandra Veliz, Chair
World Peace Through Law	Vacant

Stakeholders List

COUNTY BAR ASSOCIATIONS	
Organization	Name
Adams County	Steven Herbert Sackmann
Asotin, Columbia, Garfield County (Hells Canyon Bar Assoc.)	Kate Hawkins
Benton-Franklin County	Diana N. Ruff
Chelan-Douglas County	Travis C. Brandt
Clallam County	Stephanie Wyatt
Clark County	Mark Sampath
Cowlitz-Wahkiakum County	David Nelson
East King County	Chris Pirnke
Ferry County	James Von Sauer
Grant County	Trevor Bevier
Grays Harbor County	Jean Cotton
Island County	Anna Thompson
Jefferson County	Eileen Baratuci
King County	Andrew J. Prazuch, Executive Director
	Andrew Maron, President
Kitsap County	Tom Weaver
Kittitas County	John Ufkes
Klickitat-Skamania County	Joanne Gallagher
Lewis County	Samuel L. Groberg
Lincoln County	Lee Russell McGuire Jr.
Mason County	Julie Sund Nichols
Okanogan County	Ted Reinbold
Pacific County	Edward Penoyar
Pend Oreille County	Douglas Lambarth
San Juan County	John Chessell
Skagit County	Heather Webb
Snohomish County	Michael O'Meara

Stakeholders List

COUNTY BAR ASSOCIATIONS	
South King County	Katelyn Smythe
Spokane County	Julie Griffith, Executive Director
	Marla Koskins, President
Stevens County	Nicholas Force
Tacoma-Pierce County	Kit Kasner, Executive Director
	Diane Clarkson, President
Thurston County	Trevor Zandell
Walla Walla County	Michelle Mulhern
Whatcom County	David Brown
Whitman County	Luke E. Baumgarten
Yakima County	Quinn Dalan

OTHER STAKEHOLDERS	
Organization	Name
Office of Assigned Counsel (Thurston County)	Patrick O'Conner (Superior Court)
	Alex Frix (District Court)
	Sharonda D. Amamilo (Family and Juvenile Court)
Office of Assigned Counsel (Pierce County)	Kriston McDonough, Lead Attorney (Civil Contempt Unit)
	Jean O'Loughlin, Lead Attorney (Delinquency Unit)

Stakeholders List

OTHER STAKEHOLDERS	
	Jessica Campbell (District Court)
Tacoma Municipal Court Unit	Denise Whitley
Access to Justice Board	Geoffrey Revelle, Chair
Limited License Legal Technician Board	Steve Crossland, Chair
Limited Practice Board	Shelley Miner, Chair
MCLE Board	Melissa Skelton, Chair
N/A	Karl Tegland
AGs Office	Rebecca Glasgow
Kitsap County Bar Assoc. Civil Practice & Procedure Committee	Phil Havers
N/A	Elizabeth Turner

ENCLOSURE 2

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 1.3 - EFFECT

~~Except as otherwise provided elsewhere in these rules, e~~On their effective date:

~~(a) Any acts done before the effective date in any proceedings then pending or any action taken in any proceeding pending under rules of procedure in effect prior to the effective date of these rules and any constitutional right are not impaired by these rules.~~

~~(b) T~~hese rules ~~also~~ apply to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedure should continue to be made applicable in a particular case in the interest of justice ~~or because of infeasibility of application of the procedures of these rules.~~

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 1.3 - EFFECT

1 On their effective date these rules apply to any proceedings in court then pending or
2 thereafter commenced regardless of when the proceedings were commenced, except to the extent
3 that in the opinion of the court, the former procedure should continue to be made applicable in a
4 particular case in the interest of justice.
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ENCLOSURE 3

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 3.4 – PRESENCE OF THE DEFENDANT

1 **(a)** [Unchanged]

2 **(b) Effect of Voluntary Absence.** The defendant's voluntary absence after the
3 trial has commenced in his or her presence shall not prevent continuing the trial to
4 and including the return of the verdict. A corporation may appear by its lawyer for all purposes.
5 In prosecutions for offenses punishable by fine only, the court, with the written consent of the
6 defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's
7 absence.
8

9 **(c) Defendant not present.** If ~~a in any case the~~ defendant is not present when the
10 defendant's personal attendance is necessary as provided in subsection (a), or post-sentencing in
11 response to service of an order to appear or show cause, the court may order the clerk to issue a
12 bench warrant for the defendant's arrest, which may be served as a warrant of arrest in other
13 cases. However, no warrant shall issue for failure to pay legal financial obligations unless, after a
14 hearing on the record, the court finds the failure to pay is willful.
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16 **(d) – (e)** [Unchanged]
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SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 3.4 – PRESENCE OF THE DEFENDANT

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14 hearing on the record, the court finds the failure to pay is willful.
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16 **(d) – (e)** [Unchanged]
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ENCLOSURE 4

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 **(a)** [Unchanged]

2 **(b) Severance of Offenses.** The court, on application of the prosecuting attorney, or
3 on application of the defendant ~~pursuant to other than under~~ section (a), shall grant a severance
4 of offenses whenever before trial or during trial with consent of the defendant, the court
5 determines that severance will promote a fair determination of the defendant's guilt or innocence
6 of each offense.

7
8 **(c) Severance of Defendants.**

9 (1) A defendant's motion for severance on the ground that an out-of-court statement of
10 a codefendant referring to him is inadmissible against him shall be granted unless:

11 (i) the prosecuting attorney elects not to offer the statement in the case in chief; or

12 (ii) deletion of all references to the moving defendant will eliminate any prejudice
13 to him from the admission of the statement.

14
15 (2) The court, on application of the prosecuting attorney, or on application of the
16 defendant other than under subsection ~~(c)(1)(i)~~, should grant a severance of defendants
17 whenever:

18 (i) if before trial, it is deemed necessary to protect a defendant's rights to a speedy
19 trial, or it is deemed appropriate to promote a fair determination of the guilt or innocence of a
20 defendant; or

21 (ii) if during trial upon consent of the severed defendant, it is deemed necessary to
22 achieve a fair determination of the guilt or innocence of a defendant.

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (3) When such information would assist the court in ruling on a motion for severance of
2 defendants, the court may order the prosecuting attorney to disclose any statements made by the
3 defendants which he intends to introduce in evidence at the trial.

4 (4) The assignment of a separate cause number to each defendant of those named on a
5 single charging document is not considered a severance. Should a defendant desire that the case
6 be severed, the defendant must move for severance.

7 **(d) – (e)** [Unchanged]
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SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (a) [Unchanged]

2 (b) **Severance of Offenses.** The court, on application of the prosecuting attorney; or
3 on application of the defendant pursuant to section (a), shall grant a severance of offenses
4 whenever before trial or during trial with consent of the defendant, the court determines that
5 severance will promote a fair determination of the defendant's guilt or innocence of each offense.
6

7 (c) **Severance of Defendants.**

8 (1) A defendant's motion for severance on the ground that an out-of-court statement of
9 a codefendant referring to him is inadmissible against him shall be granted unless:

10 (i) the prosecuting attorney elects not to offer the statement in the case in chief; or

11 (ii) deletion of all references to the moving defendant will eliminate any prejudice
12 to him from the admission of the statement.

13 (2) The court, on application of the prosecuting attorney, or on application of the
14 defendant other than under subsection (c)(1), should grant a severance of defendants whenever:
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16 (i) if before trial, it is deemed necessary to protect a defendant's rights to a speedy
17 trial, or it is deemed appropriate to promote a fair determination of the guilt or innocence of a
18 defendant; or

19 (ii) if during trial upon consent of the severed defendant, it is deemed necessary to
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SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (4) The assignment of a separate cause number to each defendant of those named on a
2 single charging document is not considered a severance. Should a defendant desire that the case
3 be severed, the defendant must move for severance.

4 **(d) – (e)** [Unchanged]
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COMMENTS RECEIVED

From: [Chris Van Vechten](#)
To: [WSBA CourtRules](#)
Subject: Proposed Rule Changes
Date: Monday, April 02, 2018 6:29:13 PM

Greetings,

I wanted to voice some thoughts on the proposed changes to various rules of procedure.

It is proposed that **CrR 4.4(b)** include the phrase "timely" in front of the word "application" in reference to a motion to sever brought by the Defense. The word does not appear to have any meaning, however, since subsequent and previous rules emphasize that what justice demands will control.

It is proposed that **CrR 8.2** include a 10 day window to file motions for reconsideration. I do not know what prompted this suggestion - but I would prefer to give courts and the respective parties flexibility to prevent injustices. Evidence does not accumulate in every county at the same pace. Last year I lost a 3.6 motion partially because it was the officer's word against my client in Pierce County Superior Court. 2 months later, the Prosecutor sent me a Brady Affidavit informing me that one of the officers that testified against my client in the suppression motion had been disciplined several years prior for - among other things - falsifying evidence. This would warrant reconsideration, but under the proposed language of the new rule, I do not know how we would get it. Pierce County is notoriously slow at delivering evidence to defense counsel, and given that it is a leading forum in terms of sheer volume of criminal defendants, I would be very concerned about the nature of the practice in Pierce County subsequent.

Best

--

Chris Van Vechten
Attorney at Law
The Law Office of Chris Van Vechten
253-666-8987
www.soundlawyering.com
705 S 9th St #206,
Tacoma, WA, 98405-4622

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From: jid32181@aol.com
To: [WSBA CourtRules](#)
Subject: Proposed amendments to court rules
Date: Tuesday, April 03, 2018 10:09:24 AM

I have the following comments with regard to proposed rule changes:

- 1.3 this is a practical proposal and I have no objection to it;
- 3.4 I am in agreement with the proposed change;
- 8.2 this is a good proposal and I have no objection to it;
- 5.2 this is a good proposal and I have not objection to it.

Respectfully,
Joanna J. Daniels WSBA#19702
5042 Mariner Street
Gig Harbor, WA 98332
253 649 0926

From: [Schueler, Michael](#)
To: [WSBA CourtRules](#)
Subject: Feedback on proposed changes to CrR 8.2
Date: Tuesday, April 03, 2018 5:29:22 PM

To whom it may concern:

For the sake of efficiency and clarity, I would ask the rules committee to note whether the 10 day requirement is 10 court days or 10 actual days. This would create a more uniform practice across the various courts.

Further, I believe this rule should also indicate that the court, in its discretion, may extend the time to file a motion for reconsideration. Sometimes issues prevent a motion from being noted within a timely manner, and it would seem that fundamental fairness would allow a court to grant leave of this 10 day requirement. Explicitly stating that would again provide clarity and uniformity in application.

Michael A. Schueler
Attorney at Law
Associated Counsel for the Accused Division
King County Department of Public Defense
420 West Harrison Street, Suite 201
Kent, WA 98032
Phone: 206.477.7893
Fax: 253.520.6635
Michael.Schueler@kingcounty.gov
[Department of Public Defense](#)

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May 23, 2018

WSBA Rules Committee
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

RE: Proposed amendments to CrR 4.4 – Severance of Offenses and Defendants and CrR 8.2 Motions

Dear WSBA Rules Committee:

The Washington Defender Association (WDA) is writing to express our concerns with several of the proposed amendments under consideration by the WSBA Rules Committee. Specifically:

- **CrR 4.4 – Severance of Offenses and Defendants.** We strongly believe the “timely” requirement under 4.4(b) should be applied to all parties not just the defense. We would suggest the language be amended to say, “The court, on timely application of the prosecuting attorney or on timely application of the defendant....”
- **CrR 8.2 – Motions.** We have serious concerns with the proposed change as it fails to address the defense’s obligation to perfect the record and to provide effective assistance of counsel. There are a number of motions that the defense must bring on a repeated basis to preserve their clients’ rights on appeal or to address changing circumstances, such as CrR3.2(k) - Bail, CrR 4.4 - Severance and CrR 4.7(h)(2) - Continuing Duty To Disclose. To address these concerns, we would suggest the language be amended to say:

Rules 3.5 and 3.6 and CR 7(b) shall govern motions in criminal cases. A motion for reconsideration shall be filed not later than 10 days after the entry of the order or other decision unless the court finds good cause to extend the time frame.

In addition we would note that if the rule is to be amended in Superior Court, it also should be amended in the District Court rule.

No concerns were identified with the other proposed changes to CrR 1.3, CrR 3.4 and RAP 5.2.

Thank you for your consideration. Please let us know if you have any questions or if we can provide further information.

Sincerely,

A blue ink signature of Harry Gasnick, consisting of a stylized 'H' and 'G'.

Harry Gasnick
Chair, WDA Court Rules Committee

A blue ink signature of Christie Hedman, written in a cursive style.

Christie Hedman
Executive Director

ENCLOSURE 5

**SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)**

CrRLJ 4.2 – PLEAS AND PRETRIAL DISPOSITION

(a)-(f) [unchanged]

(g) **Written Statement.** A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

1-5 [unchanged]

6. *In Considering the Consequence of My Guilty Plea, I understand That:*

(a)-(u) [unchanged]

[](v) If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, ~~64.61.504~~ 46.61.504, or 46.61.5055. RCW ~~456.20.740(3)~~ 46.20.740(3).

[](w) If this case involves a conviction for tampering with or circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, ~~64.61.504~~ 46.61.504, 46.61.5055, 46.61.520(1), or 46.61.522(1)(b).

(x)-(z) [unchanged]

SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)

CrRLJ 4.2 – PLEAS AND PRETRIAL DISPOSITION

(a)-(f) [unchanged]

(g) **Written Statement.** A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

1-5 [unchanged]

6. *In Considering the Consequence of My Guilty Plea, I understand That:*

(a)-(u) [unchanged]

[](v) If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, 64.61.504, or 46.61.5055. RCW 46.20.740(3).

(w)-(z) [unchanged]

ENCLOSURE 6

SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)

CrRLJ 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (a) [unchanged]

2 (b) **Severance of Offenses.** The court, on application of the prosecuting authority, or
3 on application of the defendant ~~pursuant to other than under~~ section (a), shall grant a severance
4 of offenses whenever before trial or during trial with consent of the defendant, the court
5 determines that severance will promote a fair determination of the defendant's guilt or innocence
6 of each offense.
7

8 (c) **Severance of Defendants.**

9 (1) [unchanged]

10 (2) The court, on application of the prosecuting authority, or on the application of the
11 defendant other than under ~~subsection (i)~~ subsection (c)(1), should grant a severance of
12 defendants whenever:

13 (i)-(ii) [unchanged]

14 (3) [unchanged]
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SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)

CrRLJ 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (a) [unchanged]

2 (b) **Severance of Offenses.** The court, on application of the prosecuting authority, or
3 on application of the defendant pursuant to section (a), shall grant a severance of offenses
4 whenever before trial or during trial with consent of the defendant, the court determines that
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6 offense.
7

8 (c) **Severance of Defendants.**

9 (1) [unchanged]

10 (2) The court, on application of the prosecuting authority, or on the application of the
11 defendant other than under subsection (c)(1), should grant a severance of defendants whenever:

12 (i)-(ii) [unchanged]

13 (3) [unchanged]
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ENCLOSURE 7

SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)
CrRLJ 7.3 – JUDGEMENT

1 [unchanged]

2 (a)-(b) [unchanged]

3 (c) ~~Citation~~ Citation to the statute or ordinance, including subsections, ~~under~~ under
4 which the defendant was sentenced;

5 (d) ~~Identification of any charge to which the defendant pled guilty or was~~
6 ~~found guilty that is a crime of domestic violence under state law~~ Identification of any charge
7 to which the defendant pled guilty or was found guilty that is a crime of domestic violence under
8 state law;

9
10 (e)-(l) [unchanged]

SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)
CrRLJ 7.3 – JUDGEMENT

1 [unchanged]

2 (a)-(b) [unchanged]

3 (c) Citation to the statute or ordinance, including subsections, under which the
4 defendant was sentenced;

5 (d) Identification of any charge to which the defendant pled guilty or was found
6 guilty that is a crime of domestic violence under state law;

7 (e)-(l) [unchanged]

COMMENTS RECEIVED

From: [Espinoza, Jesse](#)
To: [Sherry Lindner](#); [Pam Loginsky](#); [Bartlett, Aaron](#); [Miller, Andy](#); [O'Brien, Brian](#); [McEachran, David](#); [Wise, Donna](#); [Pedersen, Erik](#); [Jenny, Frank](#); [Verhoef, Gretchen](#); [Thomas, Hilary](#); [Joseph, Jennifer](#); [Whisman, Jim](#); [Jackson, Joe](#); [Cross, John](#); [Webber, Kathy](#); [Ramm, Ken](#); [McCrae, Kevin](#); [Thulin, Kimberly](#); [Proctor, Kit](#); [Steinmetz, Larry](#); [Hyer, Michelle](#); [Weisser, Paul](#); [Rogers, Rachael](#); [Sutton, Randy](#); [Valaas, Ryan](#); [Beigh, Sara](#); [Fine, Seth](#); [Hanlon, Tamara](#); [Chen, Teresa](#); [Higgs, Tim](#); [James, Salina](#); [McBride, Tom](#); [Clark, Andrew](#); [Santos, Ben](#); [Wevodau, Cailen](#); [Weaver, Carla](#); [Nohavec, Erika](#); [Couper, Fiona](#); [Zaug, Justin](#); [Newberg, Matthew](#); [Sterett, Rachel](#); [Penner, Stephen](#); [Haslett, Amber](#)
Subject: RE: Feedback Requested: WSBA Court Rules and Procedures Committee/CrRLJ 4.2, 4.4, 7.3 (External Email: USE Caution)
Date: Wednesday, May 16, 2018 10:14:11 AM
Attachments: [image001.png](#)
[Comment on SUGGESTED AMENDMENT CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION.docx](#)

Hello Sherry,

I attached a comment on the suggested amendment for CrRLJ 4.2. There were just a couple more typos in the hard copy of the rules that need to be corrected. I used track changes to point them out.

Thanks,
Jesse

Jesse Espinoza
Clallam County Deputy Prosecuting Attorney
223 East 4th Street, Suite 11
Port Angeles, WA 98362
Phone: (360) 417-2527
Fax: (360) 417-2469
E-mail: jespinoza@co.clallam.wa.us

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From: Pam Loginsky [mailto:Pamloginsky@waprosecutors.org]
Sent: Wednesday, May 16, 2018 8:55 AM
To: [Bartlett, Aaron](#); [Miller, Andy](#); [O'Brien, Brian](#); [McEachran, David](#); [Wise, Donna](#); [Pedersen, Erik](#); [Jenny, Frank](#); [Verhoef, Gretchen](#); [Thomas, Hilary](#); [Joseph, Jennifer](#); [Espinoza, Jesse](#); [Whisman, Jim](#); [Jackson, Joe](#); [Cross, John](#); [Webber, Kathy](#); [Ramm, Ken](#); [McCrae, Kevin](#); [Thulin, Kimberly](#); [Proctor, Kit](#); [Steinmetz, Larry](#); [Hyer, Michelle](#); [Weisser, Paul](#); [Rogers, Rachael](#); [Sutton, Randy](#); [Valaas, Ryan](#); [Beigh, Sara](#); [Fine, Seth](#); [Hanlon, Tamara](#); [Chen, Teresa](#); [Higgs, Tim](#); [Loginsky, Pam](#); [James, Salina](#); [McBride, Tom](#); [Clark, Andrew](#); [Santos, Ben](#); [Wevodau, Cailen](#); [Weaver, Carla](#); [Nohavec, Erika](#); [Couper, Fiona](#); [Zaug, Justin](#); [Newberg, Matthew](#); [Sterett, Rachel](#); [Penner, Stephen](#); [Haslett, Amber](#)
Subject: Fwd: Feedback Requested: WSBA Court Rules and Procedures Committee/CrRLJ 4.2, 4.4, 7.3 (External Email: USE Caution)

Please consider sending in comments.

Pam

>>> Sherry Lindner <sherryl@wsba.org> 5/7/2018 2:46 PM >>>

Greetings,

The Court Rules and Procedures Committee is proposing to amend the Criminal Rules for Courts of Limited Jurisdiction "CrRLJ" CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3. The Committee is reaching out to stakeholders for comments and feedback on its proposals.

Stakeholder input is crucially important in the rulemaking process and assists the Committee in making an informed decision.

Please find attached materials submitted by Jefferson Coulter.

Please submit your feedback/comments to WSBACourtRules@wsba.org by **June 8, 2018**.

Thank you,



Sherry Lindner | Paralegal | Office of General Counsel

Washington State Bar Association | **T** 206-733-5941 | **F** 206-727-8314 | sherryl@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

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SUGGESTED AMENDMENT CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ) CrRLJ 4.2 – PLEAS AND PRETRIAL DISPOSITION

The errors below appear in the book but not the online version of the court rules attachment for CrRLJ 4.2

[] (v) If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.740, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, ~~64.61.504~~ 46.61.504, or 46.61.5055. RCW ~~46.20.740(3)~~ 46.20.740(3).

[] (w) If this case involves a conviction for tampering with or circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, ~~64.61.504~~ 46.61.504, 46.61.5055, 46.61.520(1), or 46.61.522(1)(b).

From: [Christie Hedman](#)
To: [WSBA CourtRules](#)
Cc: [Harry Gasnick](#)
Subject: Support for Technical Amendments to amend CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3
Date: Tuesday, May 22, 2018 4:30:59 PM
Attachments: [image002.png](#)
[image003.png](#)

Dear Mr. Coulter,

The Washington Defender Association's Court Rules Committee has reviewed the draft proposals to amend CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3 and are supportive of the proposed changes.

Please let me know if there is any further information we may be able to provide.

Christie Hedman
Executive Director
she/her/hers
Tel: 206.623.4321 | Fax: 206.623.5420
hedman@defensenet.org



ENCLOSURE 8

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSTIONS UPON ORAL EXAMINATION

1 **(a) When Depositions May Be Taken.** After the summons and a copy of the complaint are
2 served, or the complaint is filed, whichever shall first occur, any party may take the testimony of
3 any person, including a party, by deposition upon oral examination. Leave of court, granted with
4 or without notice, must be obtained only if the plaintiff seeks to take a deposition prior to the
5 expiration of 30 days after service of the summons and complaint upon any defendant or service
6 made under rule 4(e), except that leave is not required (1) if a defendant has served a notice of
7 taking deposition or otherwise sought discovery, or (2) if special notice is given as provided in
8 subsection (b)(2) of this rule. The attendance of witnesses may be compelled by subpoena as
9 provided in rule 45. The deposition of a person confined in prison may be taken only by leave of
10 court on such terms as the court prescribes.

12 **(b) Notice of Examination: General Requirements; Special Notice; Nonstenographic**
13 **Recording; Production of Documents and Things; Deposition of Organization; Video Tape**
14 **Recording.**

16 (1) A party desiring to take the deposition of any person upon oral examination shall
17 give reasonable notice in writing of not less than 5 days (exclusive of the day of service,
18 Saturdays, Sundays and court holidays) to every other party to the action and to the deponent, if
19 not a party or a managing agent of a party. Notice to a deponent who is not a party or a managing
20 agent of a party may be given by mail or by any means reasonably likely to provide actual
21 notice. The notice shall state the time and place for taking the deposition and the name and
22 address of each person to be examined, if known, and, if the name is not known, a general
23 description sufficient to identify the deponent or the particular class or group to which the
24 deponent belongs. If a subpoena duces tecum is to be served on the person to be examined, the

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSTIONS UPON ORAL EXAMINATION

1 designation of the materials to be produced as set forth in the subpoena shall be attached to or
2 included in the notice. A party seeking to compel the attendance of a deponent who is not a party
3 or a managing agent of a party must serve a subpoena on that deponent in accordance with rule
4 45. Failure to give 5 days notice to a deponent who is not a party or a managing agent of a party
5 may be grounds for the imposition of sanctions in favor of the deponent, but shall not constitute
6 grounds for quashing the subpoena.

7 (2) Leave of court is not required for the taking of a deposition by plaintiff if the notice
8 (A) states that the person to be examined is about to go out of the state and will be unavailable
9 for examination unless the person's deposition is taken before expiration of the 30-day period,
10 and (B) sets forth facts to support the statement. The plaintiff's attorney shall sign the notice, and
11 the attorney's signature constitutes a certification by the attorney that to the best of the attorney's
12 knowledge, information, and belief the statement and supporting facts are true. The sanctions
13 provided by rule 11 are applicable to the certification.

14 If a party shows that when the party was served with notice under this subsection (b)(2)
15 the party was unable through the exercise of diligence to obtain counsel to represent him at the
16 taking of the deposition, the deposition may not be used against the party.

17 (3) The court may for cause shown enlarge or shorten the time for taking the deposition.

18 (4) The parties may stipulate in writing or the court may upon motion order that the
19 testimony at a deposition be recorded by other than stenographic means. The stipulation or the
20 order shall designate the person before whom the deposition shall be taken, the manner of
21 recording, preserving, and filing the deposition, and may include other provisions to assure that
22 the recorded testimony will be accurate and trustworthy. A party may arrange to have a
23 stenographic transcription made at the party's own expense. Any objections under section (c),
24 any changes made by the witness, the witness's signature identifying the deposition as the

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 witness's own or the statement of the officer that is required if the witness does not sign, as
2 provided in section (e), and the certification of the officer required by section (f) shall be set
3 forth in a writing to accompany a deposition recorded by nonstenographic means.

4 (5) The notice to a party deponent may be accompanied by a request made in compliance
5 with rule 34 for the production of documents and tangible things at the taking of the deposition.
6 The procedure of rule 34 shall apply to the request, including the time established by rule 34(b)
7 for the party to respond to the request.

8 (6) A party may in a notice and in a subpoena name as the deponent a public or private
9 corporation or a partnership or association or governmental agency and designate with
10 reasonable particularity the matters on which examination is requested. In that event the
11 organization so named shall designate one or more officers, directors, or managing agents, or
12 other persons who consent to testify on its behalf, and may set forth, for each person designated,
13 the matters known on which the deponent will testify. A subpoena shall advise a nonparty
14 organization of its duty to make such a designation. The persons so designated shall testify as to
15 the matters known or reasonably available to the organization. This subsection (b)(6) does not
16 preclude taking a deposition by any other procedure authorized in these rules.

17 (7) The parties may stipulate in writing or the court may upon motion order that a
18 deposition be taken by telephone or by other electronic means. For the purposes of this rule and
19 rules 28(a), 37(a)(1), 37(b)(1), and 45(d), a deposition taken by telephone or by other electronic
20 means is taken at the place where the deponent is to answer the propounded questions.

21 (8) ~~Videotaping~~ Video Recording of Depositions.

22 (A) Any party may video record ~~tape~~ the deposition of any party or witness without
23 leave of court provided that written notice is served on all parties not less than 20 days before the
24 deposition date, and specifically states that the deposition will be ~~recorded on videotape-video~~

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSTIONS UPON ORAL EXAMINATION

1 recorded. Failure to so state shall preclude the use of ~~videotape~~ video recording equipment at the
2 deposition, absent agreement of the parties or court order.

3 (B) No party may ~~videotape~~ video record a deposition within 120 days of the later of the
4 date of filing or service of the lawsuit, absent agreement of the parties or court order.

5 (C) On motion of a party made prior to the deposition, the court shall order that a
6 ~~videotape~~ video recorded deposition be postponed or begun subject to being continued, on such
7 terms as are just, if the court finds that the deposition is to be taken before the moving party has
8 had an adequate opportunity to prepare, by discovery deposition of the deponent or other means,
9 for cross examination of the deponent.

10 (D) Unless otherwise stipulated to by the parties, the expense of ~~videotaping~~ video
11 recording shall be borne by the noting party and shall not be taxed as costs. Any party, at that
12 party's expense, may obtain a copy of the ~~videotape~~ video recording.

13 (E) A stenographic record of the deposition shall be made simultaneously with the
14 ~~videotape~~ video recording at the expense of the noting party.

15 (F) The area to be used for ~~videotaping~~ video recording testimony shall be suitable in
16 size, have adequate lighting and be reasonably quiet. The physical arrangements shall be fair to
17 all parties. The deposition shall begin by a statement on the record of: (a) the operator's name,
18 address and telephone number, (b) the name and address of the operator's employer, (c) the date,
19 time and place of the deposition, (d) the caption of the case, (e) the name of the deponent, and (f)
20 the name of the party giving notice of the deposition. The officer before whom the deposition is
21 taken shall be identified and swear the deponent on camera. At the conclusion of the deposition,
22 it shall be stated on the record that the deposition is concluded. When more than one ~~tape storage~~
23 device is used, to record the video recording, the operator shall announce on camera the end of
24

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

each ~~tape~~ separate storage device upon which the video recording is preserved, such as each tape or disk (if any) and the beginning of the next ~~tape one~~.

(G) Absent agreement of the parties or court order, if all or any part of the ~~videotape~~ video recording will be offered at trial, the party offering it must order the stenographic record to be fully transcribed at that party's expense. A party intending to offer a ~~videotape~~ video recording of a deposition in evidence shall notify all parties in writing of that intent and the parts of the deposition to be offered within sufficient time for a stenographic transcript to be prepared, and for objections to be made and ruled on before the trial or hearing. Objections to all or part of the deposition shall be made in writing within sufficient time to allow for rulings on them and for editing of the ~~tape~~ video recording. The court shall permit further designations of testimony and objections as fairness may require. In excluding objectionable testimony or comments or objections of counsel, the court may order that an edited copy of the ~~videotape~~ video recording be made, or that the person playing the tape at trial suppress the objectionable portions of the ~~tape recording~~. In no event, however, shall the original ~~videotape~~ video recording be affected by any editing process.

(H) After the deposition has been taken, the operator of the ~~videotape~~ video recording equipment shall ~~attach to~~ submit with the ~~videotape~~ video recording a certificate that the recording is a correct and complete record of the testimony by the deponent. If the video recording is stored exclusively on a computer or service (including cloud storage) and not on an easily removable and portable storage device, the certificate shall so state and indicate measures taken to preserve it. Unless otherwise agreed by the parties on the record, the operator shall retain custody or control of the original ~~videotape~~ video recording. The custodian shall store it under conditions that will protect it against loss, ~~or~~ destruction, or tampering, and shall preserve as far as practicable the quality of the ~~tape recording~~ and the technical integrity of the testimony

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSTIONS UPON ORAL EXAMINATION

1 and images it contains. The custodian of the original ~~videotape~~ video recording shall retain
2 custody of it until 6 months after final disposition of the action, unless the court, on motion of
3 any party and for good cause shown, orders that the ~~tape recording~~ be preserved for a longer
4 period.

5 (I) The use of ~~videotape~~ video recorded depositions shall be subject to rule 32.

6 **(c) Examination and Cross Examination; Record of Examination; Oath; Objections.**

7 Examination and cross examination of witnesses may proceed as permitted at the trial under the
8 provisions of the Washington Rules of Evidence (ER). The officer before whom the deposition is
9 to be taken shall put the witness on oath and shall personally, or by someone acting under the
10 officer's direction and in the officer's presence, record the testimony of the witness. The
11 testimony shall be taken stenographically or recorded by any other means ordered in accordance
12 with subsection (b)(4) of this rule. If requested by one of the parties, the testimony shall be
13 transcribed.

14 All objections made at the time of the examination to the qualifications of the officer taking
15 the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of
16 any party, and any other objection to the proceedings, shall be noted by the officer upon the
17 deposition. Evidence objected to shall be taken subject to the objections. A judge of the superior
18 court, or a special master if one is appointed pursuant to rule 53.3, may make telephone rulings
19 on objections made during depositions. In lieu of participating in the oral examination, parties
20 may serve written questions in a sealed envelope on the party taking the deposition and the party
21 shall transmit them to the officer, who shall propound them to the witness and record the answers
22 verbatim.

23 **(d) Motion to Terminate or Limit Examination.** At any time during the taking of the
24 deposition, on motion of a party or of the deponent and upon a showing that the examination is

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSTIONS UPON ORAL EXAMINATION

1 being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress
2 the deponent or party, the court in which the action is pending or the court in the county where
3 the deposition is being taken may order the officer conducting the examination to cease forthwith
4 from taking the deposition, or may limit the scope and manner of the taking of the deposition as
5 provided in rule 26(c). If the order made terminates the examination, it shall be resumed
6 thereafter only upon the order of the court in which the action is pending. Upon demand of the
7 objecting party or deponent, the taking of the deposition shall be suspended for the time
8 necessary to make a motion for an order. The provisions of rule 37(a)(4) apply to the award of
9 expenses incurred in relation to the motion.

10 **(e) Submission to Witness; Changes; Signing.** When the testimony is fully transcribed
11 the deposition shall be submitted to the witness for examination and shall be read to or by the
12 witness, unless such examination and reading are waived by the witness and by the parties. Any
13 changes in form or substance which the witness desires to make shall be entered upon the
14 deposition by the officer with a statement of the reasons given by the witness for making them.
15 The deposition shall then be signed by the witness, unless the parties by stipulation waive the
16 signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed
17 by the witness within 30 days of its submission to the witness, the officer shall sign it and state
18 on the record the fact of the waiver or of the illness or absence of the witness or the fact of the
19 refusal to sign together with the reason, if any, given therefore; and the deposition may then be
20 used as fully as though signed unless on a motion to suppress under rule 32(d)(4) the court holds
21 that the reasons given for the refusal to sign require rejection of the deposition in whole or in
22 part.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

(f) Certification and Service by Officer; Exhibits; Copies; Notice.

(1) The officer shall certify on the deposition transcript that the witness was duly sworn and that the transcript is a true record of the testimony given by the witness. The officer shall then secure the transcript in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly serve it on the person who ordered the transcript, unless the court orders otherwise. Documents and things produced for inspection during the examination of the witness, shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that: (A) the person producing the materials may substitute copies to be marked for identification, if the person affords to all parties fair opportunity to verify the copies by comparison with the originals; and (B) if the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to and returned with the deposition. Any party may move for an order that the original be annexed to the deposition transcript and filed with the court, pending final disposition of the case.

(2) Upon payment of reasonable charges therefore, the officer shall furnish a copy of the deposition transcript to any party or the deponent.

(3) The officer serving or filing the deposition transcript shall give prompt notice of such action to all parties and file such notice with the clerk of the court.

(g) Failure To Attend or To Serve Subpoena; Expenses.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSTIONS UPON ORAL EXAMINATION

1 (1) If the party giving the notice of the taking of a deposition fails to attend and proceed
2 therewith and another party attends in person or by attorney pursuant to the notice, the court may
3 order the party giving the notice to pay to such other party the reasonable expenses incurred by
4 such party and such other party's attorney in attending, including reasonable attorney fees.

5 (2) If the party giving the notice of the taking of a deposition of a witness fails to serve a
6 subpoena upon the witness and the witness because of such failure does not attend, and if another
7 party attends in person or by attorney because such party expects the deposition of that witness to
8 be taken, the court may order the party giving the notice to pay to such other party the reasonable
9 expenses incurred by such other party and such other party's attorney in attending, including
10 reasonable attorney fees.

11
12 **(h) Conduct of Depositions. The following shall govern deposition practice:**

13 (1) Conduct of Examining Counsel. Examining counsel will refrain from asking questions he
14 or she knows to be beyond the legitimate scope of discovery, and from undue repetition.

15 (2) Objections. Only objections which are not reserved for time of trial by these rules or
16 which are based on privileges or raised to questions seeking information beyond the scope of
17 discovery may be made during the course of the deposition. All objections shall be concise and
18 must not suggest or coach answers from the deponent. Argumentative interruptions by counsel
19 shall not be permitted.

20 (3) Instructions Not to Answer. Instructions to the deponent not to answer questions are
21 improper, except when based upon privilege or pursuant to rule 30(d). When a privilege is
22 claimed the deponent shall nevertheless answer questions related to the existence, extent, or
23
24

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 waiver of the privilege, such as the date of communication, identity of the declarant, and in
2 whose presence the statement was made.

3 (4) Responsiveness. Witnesses shall be instructed to answer all questions directly and
4 without evasion to the extent of their testimonial knowledge, unless properly instructed by
5 counsel not to answer.

6
7 (5) Private Consultation. Except where agreed to, attorneys shall not privately confer with
8 deponents during the deposition between a question and an answer except for the purpose of
9 determining the existence of privilege. Conferences with attorneys during normal recesses and at
10 adjournment are permissible unless prohibited by the court.

11 (6) Courtroom Standard. All counsel and parties shall conduct themselves in depositions
12 with the same courtesy and respect for the rules that are required in the courtroom during trial.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 **(a) When Depositions May Be Taken.** After the summons and a copy of the complaint are
2 served, or the complaint is filed, whichever shall first occur, any party may take the testimony of
3 any person, including a party, by deposition upon oral examination. Leave of court, granted with
4 or without notice, must be obtained only if the plaintiff seeks to take a deposition prior to the
5 expiration of 30 days after service of the summons and complaint upon any defendant or service
6 made under rule 4(e), except that leave is not required (1) if a defendant has served a notice of
7 taking deposition or otherwise sought discovery, or (2) if special notice is given as provided in
8 subsection (b)(2) of this rule. The attendance of witnesses may be compelled by subpoena as
9 provided in rule 45. The deposition of a person confined in prison may be taken only by leave of
10 court on such terms as the court prescribes.

12 **(b) Notice of Examination: General Requirements; Special Notice; Nonstenographic**
13 **Recording; Production of Documents and Things; Deposition of Organization; Video**
14 **Recording.**

16 (1) A party desiring to take the deposition of any person upon oral examination shall
17 give reasonable notice in writing of not less than 5 days (exclusive of the day of service,
18 Saturdays, Sundays and court holidays) to every other party to the action and to the deponent, if
19 not a party or a managing agent of a party. Notice to a deponent who is not a party or a managing
20 agent of a party may be given by mail or by any means reasonably likely to provide actual
21 notice. The notice shall state the time and place for taking the deposition and the name and
22 address of each person to be examined, if known, and, if the name is not known, a general
23 description sufficient to identify the deponent or the particular class or group to which the
24 deponent belongs. If a subpoena duces tecum is to be served on the person to be examined, the

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSTIONS UPON ORAL EXAMINATION

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4 45. Failure to give 5 days notice to a deponent who is not a party or a managing agent of a party
5 may be grounds for the imposition of sanctions in favor of the deponent, but shall not constitute
6 grounds for quashing the subpoena.

7 (2) Leave of court is not required for the taking of a deposition by plaintiff if the notice
8 (A) states that the person to be examined is about to go out of the state and will be unavailable
9 for examination unless the person's deposition is taken before expiration of the 30-day period,
10 and (B) sets forth facts to support the statement. The plaintiff's attorney shall sign the notice, and
11 the attorney's signature constitutes a certification by the attorney that to the best of the attorney's
12 knowledge, information, and belief the statement and supporting facts are true. The sanctions
13 provided by rule 11 are applicable to the certification.

14 If a party shows that when the party was served with notice under this subsection (b)(2)
15 the party was unable through the exercise of diligence to obtain counsel to represent him at the
16 taking of the deposition, the deposition may not be used against the party.

17 (3) The court may for cause shown enlarge or shorten the time for taking the deposition.

18 (4) The parties may stipulate in writing or the court may upon motion order that the
19 testimony at a deposition be recorded by other than stenographic means. The stipulation or the
20 order shall designate the person before whom the deposition shall be taken, the manner of
21 recording, preserving, and filing the deposition, and may include other provisions to assure that
22 the recorded testimony will be accurate and trustworthy. A party may arrange to have a
23 stenographic transcription made at the party's own expense. Any objections under section (c),
24 any changes made by the witness, the witness's signature identifying the deposition as the

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1 witness's own or the statement of the officer that is required if the witness does not sign, as
2 provided in section (e), and the certification of the officer required by section (f) shall be set
3 forth in a writing to accompany a deposition recorded by nonstenographic means.

4 (5) The notice to a party deponent may be accompanied by a request made in compliance
5 with rule 34 for the production of documents and tangible things at the taking of the deposition.
6 The procedure of rule 34 shall apply to the request, including the time established by rule 34(b)
7 for the party to respond to the request.

8 (6) A party may in a notice and in a subpoena name as the deponent a public or private
9 corporation or a partnership or association or governmental agency and designate with
10 reasonable particularity the matters on which examination is requested. In that event the
11 organization so named shall designate one or more officers, directors, or managing agents, or
12 other persons who consent to testify on its behalf, and may set forth, for each person designated,
13 the matters known on which the deponent will testify. A subpoena shall advise a nonparty
14 organization of its duty to make such a designation. The persons so designated shall testify as to
15 the matters known or reasonably available to the organization. This subsection (b)(6) does not
16 preclude taking a deposition by any other procedure authorized in these rules.

17 (7) The parties may stipulate in writing or the court may upon motion order that a
18 deposition be taken by telephone or by other electronic means. For the purposes of this rule and
19 rules 28(a), 37(a)(1), 37(b)(1), and 45(d), a deposition taken by telephone or by other electronic
20 means is taken at the place where the deponent is to answer the propounded questions.

21 (8) Video Recording of Depositions.

22 (A) Any party may video record the deposition of any party or witness without leave of
23 court provided that written notice is served on all parties not less than 20 days before the
24 deposition date, and specifically states that the deposition will be video recorded. Failure to so

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1 state shall preclude the use of video recording equipment at the deposition, absent agreement of
2 the parties or court order.

3 (B) No party may video record a deposition within 120 days of the later of the date of
4 filing or service of the lawsuit, absent agreement of the parties or court order.

5 (C) On motion of a party made prior to the deposition, the court shall order that a video
6 recorded deposition be postponed or begun subject to being continued, on such terms as are just,
7 if the court finds that the deposition is to be taken before the moving party has had an adequate
8 opportunity to prepare, by discovery deposition of the deponent or other means, for cross
9 examination of the deponent.

10 (D) Unless otherwise stipulated to by the parties, the expense of video recording shall be
11 borne by the noting party and shall not be taxed as costs. Any party, at that party's expense, may
12 obtain a copy of the video recording.

13 (E) A stenographic record of the deposition shall be made simultaneously with the video
14 recording at the expense of the noting party.

15 (F) The area to be used for video recording testimony shall be suitable in size, have
16 adequate lighting and be reasonably quiet. The physical arrangements shall be fair to all parties.
17 The deposition shall begin by a statement on the record of: (a) the operator's name, address and
18 telephone number, (b) the name and address of the operator's employer, (c) the date, time and
19 place of the deposition, (d) the caption of the case, (e) the name of the deponent, and (f) the name
20 of the party giving notice of the deposition. The officer before whom the deposition is taken
21 shall be identified and swear the deponent on camera. At the conclusion of the deposition, it shall
22 be stated on the record that the deposition is concluded. When more than one storage device is
23 used to record the video recording, the operator shall announce on camera the end of each
24

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1 separate storage device upon which the video recording is preserved, such as each tape or disk (if
2 any) and the beginning of the next one.

3 (G) Absent agreement of the parties or court order, if all or any part of the video
4 recording will be offered at trial, the party offering it must order the stenographic record to be
5 fully transcribed at that party's expense. A party intending to offer a video recording of a
6 deposition in evidence shall notify all parties in writing of that intent and the parts of the
7 deposition to be offered within sufficient time for a stenographic transcript to be prepared, and
8 for objections to be made and ruled on before the trial or hearing. Objections to all or part of the
9 deposition shall be made in writing within sufficient time to allow for rulings on them and for
10 editing of the video recording. The court shall permit further designations of testimony and
11 objections as fairness may require. In excluding objectionable testimony or comments or
12 objections of counsel, the court may order that an edited copy of the video recording be made, or
13 that the person playing the tape at trial suppress the objectionable portions of the recording. In no
14 event, however, shall the original video recording be affected by any editing process.

15 (H) After the deposition has been taken, the operator of the video recording equipment
16 shall submit with the video recording a certificate that the recording is a correct and complete
17 record of the testimony by the deponent. If the video recording is stored exclusively on a
18 computer or service (including cloud storage) and not on an easily removable and portable
19 storage device, the certificate shall so state and indicate measures taken to preserve it. Unless
20 otherwise agreed by the parties on the record, the operator shall retain custody or control of the
21 original video recording. The custodian shall store it under conditions that will protect it against
22 loss, destruction, or tampering, and shall preserve as far as practicable the quality of the
23 recording and the technical integrity of the testimony and images it contains. The custodian of
24 the original video recording shall retain custody of it until 6 months after final disposition of the

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1 action, unless the court, on motion of any party and for good cause shown, orders that the
2 recording be preserved for a longer period.

3 (I) The use of video recorded depositions shall be subject to rule 32.

4 **(c) Examination and Cross Examination; Record of Examination; Oath; Objections.**

5 Examination and cross examination of witnesses may proceed as permitted at the trial under the
6 provisions of the Washington Rules of Evidence (ER). The officer before whom the deposition is
7 to be taken shall put the witness on oath and shall personally, or by someone acting under the
8 officer's direction and in the officer's presence, record the testimony of the witness. The
9 testimony shall be taken stenographically or recorded by any other means ordered in accordance
10 with subsection (b)(4) of this rule. If requested by one of the parties, the testimony shall be
11 transcribed.

12 All objections made at the time of the examination to the qualifications of the officer taking
13 the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of
14 any party, and any other objection to the proceedings, shall be noted by the officer upon the
15 deposition. Evidence objected to shall be taken subject to the objections. A judge of the superior
16 court, or a special master if one is appointed pursuant to rule 53.3, may make telephone rulings
17 on objections made during depositions. In lieu of participating in the oral examination, parties
18 may serve written questions in a sealed envelope on the party taking the deposition and the party
19 shall transmit them to the officer, who shall propound them to the witness and record the answers
20 verbatim.

21 **(d) Motion to Terminate or Limit Examination.** At any time during the taking of the
22 deposition, on motion of a party or of the deponent and upon a showing that the examination is
23 being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress
24 the deponent or party, the court in which the action is pending or the court in the county where

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1 the deposition is being taken may order the officer conducting the examination to cease forthwith
2 from taking the deposition, or may limit the scope and manner of the taking of the deposition as
3 provided in rule 26(c). If the order made terminates the examination, it shall be resumed
4 thereafter only upon the order of the court in which the action is pending. Upon demand of the
5 objecting party or deponent, the taking of the deposition shall be suspended for the time
6 necessary to make a motion for an order. The provisions of rule 37(a)(4) apply to the award of
7 expenses incurred in relation to the motion.

8 **(e) Submission to Witness; Changes; Signing.** When the testimony is fully transcribed
9 the deposition shall be submitted to the witness for examination and shall be read to or by the
10 witness, unless such examination and reading are waived by the witness and by the parties. Any
11 changes in form or substance which the witness desires to make shall be entered upon the
12 deposition by the officer with a statement of the reasons given by the witness for making them.
13 The deposition shall then be signed by the witness, unless the parties by stipulation waive the
14 signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed
15 by the witness within 30 days of its submission to the witness, the officer shall sign it and state
16 on the record the fact of the waiver or of the illness or absence of the witness or the fact of the
17 refusal to sign together with the reason, if any, given therefore; and the deposition may then be
18 used as fully as though signed unless on a motion to suppress under rule 32(d)(4) the court holds
19 that the reasons given for the refusal to sign require rejection of the deposition in whole or in
20 part.

21 **(f) Certification and Service by Officer; Exhibits; Copies; Notice.**

22 (1) The officer shall certify on the deposition transcript that the witness was duly sworn and
23 that the transcript is a true record of the testimony given by the witness. The officer shall then
24

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1 secure the transcript in an envelope endorsed with the title of the action and marked "Deposition
2 of (here insert name of witness)" and shall promptly serve it on the person who ordered the
3 transcript, unless the court orders otherwise. Documents and things produced for inspection
4 during the examination of the witness, shall, upon the request of a party, be marked for
5 identification and annexed to and returned with the deposition, and may be inspected and copied
6 by any party, except that: (A) the person producing the materials may substitute copies to be
7 marked for identification, if the person affords to all parties fair opportunity to verify the copies
8 by comparison with the originals; and (B) if the person producing the materials requests their
9 return, the officer shall mark them, give each party an opportunity to inspect and copy them, and
10 return them to the person producing them, and the materials may then be used in the same
11 manner as if annexed to and returned with the deposition. Any party may move for an order that
12 the original be annexed to the deposition transcript and filed with the court, pending final
13 disposition of the case.
14

15
16 (2) Upon payment of reasonable charges therefore, the officer shall furnish a copy of the
17 deposition transcript to any party or the deponent.

18 (3) The officer serving or filing the deposition transcript shall give prompt notice of such
19 action to all parties and file such notice with the clerk of the court.

20 **(g) Failure To Attend or To Serve Subpoena; Expenses.**

21 (1) If the party giving the notice of the taking of a deposition fails to attend and proceed
22 therewith and another party attends in person or by attorney pursuant to the notice, the court may
23
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1 order the party giving the notice to pay to such other party the reasonable expenses incurred by
2 such party and such other party's attorney in attending, including reasonable attorney fees.

3 (2) If the party giving the notice of the taking of a deposition of a witness fails to serve a
4 subpoena upon the witness and the witness because of such failure does not attend, and if another
5 party attends in person or by attorney because such party expects the deposition of that witness to
6 be taken, the court may order the party giving the notice to pay to such other party the reasonable
7 expenses incurred by such other party and such other party's attorney in attending, including
8 reasonable attorney fees.
9

10 **(h) Conduct of Depositions. The following shall govern deposition practice:**

11 (1) Conduct of Examining Counsel. Examining counsel will refrain from asking questions he
12 or she knows to be beyond the legitimate scope of discovery, and from undue repetition.

13 (2) Objections. Only objections which are not reserved for time of trial by these rules or
14 which are based on privileges or raised to questions seeking information beyond the scope of
15 discovery may be made during the course of the deposition. All objections shall be concise and
16 must not suggest or coach answers from the deponent. Argumentative interruptions by counsel
17 shall not be permitted.
18

19 (3) Instructions Not to Answer. Instructions to the deponent not to answer questions are
20 improper, except when based upon privilege or pursuant to rule 30(d). When a privilege is
21 claimed the deponent shall nevertheless answer questions related to the existence, extent, or
22 waiver of the privilege, such as the date of communication, identity of the declarant, and in
23 whose presence the statement was made.
24

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1 (4) Responsiveness. Witnesses shall be instructed to answer all questions directly and
2 without evasion to the extent of their testimonial knowledge, unless properly instructed by
3 counsel not to answer.

4 (5) Private Consultation. Except where agreed to, attorneys shall not privately confer with
5 deponents during the deposition between a question and an answer except for the purpose of
6 determining the existence of privilege. Conferences with attorneys during normal recesses and at
7 adjournment are permissible unless prohibited by the court.

8 (6) Courtroom Standard. All counsel and parties shall conduct themselves in depositions
9 with the same courtesy and respect for the rules that are required in the courtroom during trial.
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COMMENTS RECEIVED

From: [Benway, Jennifer](#)
To: [WSBA CourtRules](#)
Cc: ["Sherry Lindner "](#)
Subject: Comment on proposal to amend CR 30
Date: Wednesday, May 23, 2018 4:35:11 PM

This comment is provided on behalf of DMCJA Court Rules Committee Chair Judge Frank Dacca:

Hello,

Thank you for providing the DMCJA Court Rules Committee the opportunity to review the proposal to amend CR 30, which it did on May 9. The Committee has no opposition to this proposal.

Please let me know if I can be of any further assistance.

Thank you!

Jennifer (J) Amanda Benway

Legal Services Senior Analyst

Administrative Office of the Courts

360-357-2126

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: William Pickett, WSBA President and Chair of the WSBA Committee on Mission Performance and Review

DATE: July 12, 2018

RE: Report from the WSBA Committee on Mission Performance and Review

First Reading: Recommendations from WSBA Committee on Mission Performance and Review.

The charge of the Board of Governors' Committee on Mission Performance and Review (CMPR) is threefold: (1) to ensure WSBA's committees continue to do the work of the BOG, as directed by the BOG, consistent with our mission, guiding principles and strategic goals; (2) to make sure WSBA's regulatory boards are fulfilling their Supreme Court mandates and any other issues the BOG may have asked them to explore; and (3) to monitor the ongoing activities of the Supreme-Court-created boards administered by WSBA, consistent with their charges from the Court. To accomplish these goals, the CMPR reviews annual reports submitted by these entities and forwards recommendations to the BOG for review and action as appropriate.

The FY18 CMPR met on July 2, 2018. CMPR members who participated either in person or by telephone: Chair Bill Pickett, Dan Clark, Jean Kang, Paula Littlewood, Chris Meserve, Rajeev Majumdar, Kyle Sciuchetti. Also attending were WSBA staff members Pam Inglesby and Russell Johnson.

The CMPR thanks all the WSBA committees and boards, as well as the Supreme Court-created boards administered by WSBA, for their work over the past year. After reviewing and discussing the attached annual reports the CMPR makes the below recommendations and comments.

- Board of Bar Examiners: The Board of Governors looks forward to receiving and discussing the results of the national three-year study being conducted in New York regarding possible bias in the Uniform Bar Exam.
- Disciplinary Board: The CMPR appreciates that the trend toward greater diversity in Board membership is continuing into the coming year.

(cont.)



- Limited Legal License Technician Board: The CMPR encourages the Board to emphasize gender diversity in its recruitment.
- Limited Practice Board: The CMPR encourages the Board to continue its efforts to increase diversity among its membership.
- Washington Young Lawyers Committee: The CMPR applauds the Committee's progress in gender diversity among its membership, and asks it to focus on increasing diversity in other respects.
- The CMPR encourages WSBA to implement a volunteer recognition program, which an internal staff group has already been exploring.

The CMPR has no recommendations or comments regarding the following committees and boards:

- Access to Justice Board
- Character & Fitness Board
- Client Protection Fund Board
- Committee on Professional Ethics
- Continuing Legal Education Committee
- Council on Public Defense
- Court Rules & Procedures Committee
- Disciplinary Advisory Round Table
- Editorial Advisory Committee
- Judicial Recommendation Committee
- Law Clerk Board
- Mandatory Continuing Legal Education Board
- Practice of Law Board
- Pro Bono and Public Service Committee
- WSBA Diversity Committee
- WSBA Legislative Review Committee



2018 Committee and Board annual reports

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Note: The reports were prepared in early June, 2018.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p>Access to Justice Board (ATJ Board)</p> <p>Chair: Geoff Revelle</p> <p>Staff Liaison: Diana Singleton</p> <p>BOG Liaison: Kim Risenmay</p>	<p>Size of Committee: 11</p> <p>Number of FY19 Applicants: 19</p> <p>FY18 direct expenses: \$37,500</p> <p>FY18 indirect expenses: \$198,653</p>
<p>FY18 Demographics:</p> <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:6:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 4 (0 did not answer) • Number of members self-identified as having a disability: 1 (0 did not answer) • Number of members self-identified as LGBT: 2 (0 did not answer) 	
<p>Background & Purpose:</p> <p>The Access to Justice (ATJ) Board derives its authority from a 1994 Washington Supreme Court Order and 2016 reauthorization (NO. 25700-B-567) at the request of the Washington State Bar Association Board of Governors in response to a growing need to coordinate access to justice efforts in Washington. The ATJ Board works closely with its justice system partners to achieve equal access to the civil justice system for those facing economic and other significant barriers.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The ATJ Board's <i>2018-2020 State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People</i> (State Plan) is the current guide for its work. The ATJ Board also adopted two-year priorities in December 2017 to structure its work. The ATJ Board accomplishes its priorities through the work of a number of standing committees and special initiatives to address current and ongoing access issues.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <ol style="list-style-type: none"> 1) Promote Racial Equity. The ATJ Board continues to support statewide efforts to promote racial equity working toward a vision where race does not determine the availability and quality of legal services and fairness of outcomes and opportunities, as outlined in the State Plan. The ATJ Board joined the Race Equity and Justice Initiative by signing on to its Commitments and Acknowledgements. In October 2017, the ATJ Board sponsored an implicit bias training for all Administrative Law Judges in the state. The ATJ Board supports JustLead WA in delivering race equity trainings and developing an organizational race equity assessment and toolkit for the Board and the Alliance for Equal Justice (Alliance). The ATJ Board also engaged in its own internal race equity work at its all-day Board retreat in June 2018. 2) Implement 2018-2020 State Plan. The ATJ Board launched the State Plan Action and 	

Resource Committee (SPARC), which is charged with overseeing the implementation of the plan and coordinating “collaboratories” which are in-person and virtual spaces for trainings and sharing of resources amongst Alliance organizations implementing the plan.

- 3) **Improve Communications about the Work of the Board and Alliance.** The ATJ Board’s Communications Committee launched a quarterly Alliance Communications Toolkit (ACT) webinar series to share best practices and tools for Alliance organizations to strengthen how they communicate about their work. The committee also launched a redesigned Alliance for Equal Justice website (www.allianceforequaljustice.org) as a tool to facilitate intra-Alliance communications and produced several Alliance videos which are available on the website.
- 4) **Update the Access to Justice Technology Principles.** The ATJ Board’s Technology Committee is overseeing a rigorous process to update the Access to Justice Technology Principles, which were originally developed in 2004 to ensure technology enhances, not hinders, access to justice. The process has included partnership with Diverse Voices at the UW Tech Policy Lab to get input on the revised principles from focus groups.
- 5) **Launch the Technology Assisted Forms (TAF) Project.** The Board’s TAF Committee developed protocols and priorities to guide the development of an automated document assembly system for the plain language family law forms. The Committee will continue to provide advice and guidance as the new technology is developed.

2018-2019 Goals:

- 1) **Build Stronger Bridges with Other Justice Partners.** The ATJ Board aims to build stronger bridges with partners in the criminal and juvenile justice systems, child welfare systems, non-legal community organizations, and the Limited License Legal Technician and low bono communities serving clients of moderate means.
- 2) **Convene the 2019 Access to Justice Conference.** The ATJ Board will hold the Access to Justice Conference in Spokane on June 14-16, 2019.
- 3) **Implement 2018-2020 State Plan.** As noted, the ATJ Board is overseeing the implementation of the three-year State Plan. This is an ongoing and critical element of the ATJ Board’s work.
- 4) **Promote racial equity.** The Board will continue to promote racial equity systemically in the justice system, organizationally amongst Alliance organizations and internally within the Board’s own practices and organizational culture.
- 5) **Communicate about the Updated ATJ Technology Principles.** As noted, the ATJ Board’s Technology Committee is currently updating the Principles. The next year will involve an extensive effort to share the Principles broadly with the justice system community.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to

promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) Over the years, the ATJ Board has utilized the expertise of the WSBA's diversity experts through trainings and consultation. The Board is exploring ways to collaborate more closely with the WSBA Public Service and Diversity team, such as partnering on networking events in 2019.
- 2) Yes. Most recently, the ATJ Board received an implicit bias training from WSBA Inclusion and Equity Specialist Robin Nussbaum at its retreat in May 2016 and a structural and institutionalized racism training at the Chairs retreat in October 2016.
- 3) The ATJ Board meetings are well-attended by a variety of stakeholders. We seek and obtain input at these meetings as well as soliciting input from various list serves and other outreach efforts. The ATJ Technology Principles update process, for example, has involved extensive outreach, focus groups and a joint drafting process involving a wide array of stakeholders.
- 4) The ATJ Board engaged in its own race equity work at its June 2018 retreat by using an organizational race equity assessment and identifying what internal work it needs to engage in over the next year to ensure a culture of inclusion.
- 5) The ATJ Board has been updating its Operational Rules which sets out a commitment to diversity in the Board and Committees and creates a process for new leaders to get involved.
- 6) Addressing racial inequities is spotlighted in the State Plan and the Board's two-year priorities and has been a focus of the Board's most recent Access to Justice Conferences. Also, the Board is a leader in encouraging race equity work among its counterparts in other states.

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

- 1) The ATJ Board supports the Equal Justice Community Leadership Academy and other trainings which promote leadership competencies like self-awareness and achieving workable unity in the legal profession and beyond. As a convener of civil legal aid organizations, the Board facilitates how they and the larger legal community can coordinate and collaborate to create more equitable access to justice.
- 2) No. This is not within the ATJ Board's charge from the Supreme Court.
- 3) To the extent that professionalism includes having self-awareness about one's own biases, the Board sponsored the implicit bias training for Administrative Law Judges and supports JustLead WA which offers many trainings involving working against implicit bias.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

- 1) The ATJ Board Manager has given presentations to the Washington Young Lawyers Committee and Leadership Academy cohorts to encourage their participation on the Board and its committees and to engage in statewide activities like the biannual Access to Justice Conferences.
- 2) Yes, in the following ways: a) ATJ Board has supported summer orientations, trainings and networking events for public interest minded-law students; b) the ATJ Board recently expressed its support for the federal Public Service Loan Forgiveness program; and c) the ATJ Board Manager delivered a training on Leadership Story-Telling to the Washington Young Lawyers Committee in October 2017.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Board of Bar Examiners Chair: Monica Wasson Staff Liaison: Gus Quiniones BOG Liaison: Jim Hunter	Size of Committee: 50 maximum (currently 35) Number of FY19 Applicants: 19 FY18 direct expenses: \$25,000 FY18 indirect expenses: \$14,567
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 17:16:0 (2 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 5 (2 did not answer) • Number of members self-identified as having a disability: 4 (3 did not answer) • Number of members self-identified as LGBT: 6 (3 did not answer) 	
Background & Purpose: <p>The Board of Bar Examiners (BBE) derives its authority from the Admission and Practice Rules, which provide for appointment by the Board of Governors.</p> <p>The BBE grades the Multistate Essay Examination (MEE) and Multistate Performance Test (MPT) answers for the Uniform Bar Examination, and produces the content for the Washington Law Component (WLC) test, in accordance with the APR as approved by the Washington Supreme Court.</p>	
Strategy to Fulfill Purpose: <p>The Multistate Bar Examination is scored by the National Conference of Bar Examiners (NCBE) and the MEE and MPT are graded by the BBE. The grading is completed over the course of one long weekend in March and August in Seattle.</p> <p>The winter exam requires a total of 10 examiners to grade the MEE and MPT and the summer exam requires a total of 18 examiners. Each examiner must attend the mandatory scheduled National Conference of Bar Examiners grading workshop in person, by teleconference, or by review of the conference video prior to grading the exams.</p> <p>The WLC is reviewed and updated by members of the BBE every other year.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) Two examiners attended the National Conference of Bar Examiners Annual Conference for purposes of education, networking and exposure to the multistate exams format. 2) Conducted a successful grading conference for the grading of the July 2017 and February 2018 MEE and MPT exams. 3) Will be conducting in July 2018 a New Examiner Training meeting for newly appointed 	

<p>members to the Board.</p> <p>4) Currently working with Chair, Vice Chair, and select members of the Board of Bar Examiners to review the Washington Law Component (WLC) test materials for a September 1, 2018 publishing.</p> <p>5) Increase diversity among BBE members.</p>
<p>2018-2019 Goals:</p> <p>1) Continue to encourage board members to attend the NCBE the annual education conference and the NCBE grading workshop.</p> <p>2) Complete the review of the WLC test materials by September 1, 2018.</p> <p>3) Conduct a successful grading conference for the grading of the July 2018 and February 2019 MEE and MPT exams.</p>
<p>Please report how this committee/board is addressing diversity:</p> <p><i>1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?</i></p> <p>1) The BBE actively seeks to increase diversity among its members with the assistance of the Bar staff to promote outreach, and to notify minority and specialty bar associations of vacancies on the BBE.</p> <p>2) Not yet, but we will be trying to arrange this in the near future.</p> <p>3) Current members of the BBE include a range of geographic and other facets of diversity; however, the Board will always look to improve in this area.</p> <p>4) BBE leadership will place greater consideration to diversity when screening applications to the Board. In addition, the Board and staff work to ensure that all members are welcomed into the Board and provided with the training and materials needed to help them be successful in performing this work.</p> <p>5) N/A</p> <p>6) N/A</p>
<p>Please report how this committee/board is addressing professionalism:</p> <p><i>1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?</i></p> <p>1) The exam process for admission to the practice of law covers ethical and legal judgment issues that lawyers may face when engaging in their chosen profession. Demonstrating knowledge in these areas should increase the professionalism of applicants who are admitted to practice.</p> <p>2) The function of the BBE is to determine which applicants are capable of meeting the high competency standards of this profession, and this helps to ensure their</p>

professionalism.

3) N/A

4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

1) The BBE continues to make efforts to recruit lawyers who are newer to the profession, although most current members have been in practice for a number of years.

2) The BBE recently appointed two members who meet the description of a new and young lawyer.

3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Character and Fitness Board Chair: David Ruzumna Staff Liaison: Jean McElroy BOG Liaison: Chris Meserve	Size of Committee: 14 minimum (currently 15) Number of FY19 Applicants: 13 FY18 direct expenses: \$20,000 FY18 indirect expenses: \$101,350
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 6:10:0 (0 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer)• Number of members self-identified as having a disability: 0 (1 did not answer)• Number of members self-identified as LGBT: 2 (1 did not answer)	
Background & Purpose: <p>The Character and Fitness Board (CFB) derives its authority from the Washington Supreme Court under APR 20 - 25.6, most recently amended in 2016.</p> <p>The CFB conducts hearings upon referral from Regulatory Services Counsel to determine: (1) if applicants to take the Bar Examination have demonstrated good moral character and fitness to be admitted or re-admitted to the practice of law, or (2) have met the requirements to be reinstated after disbarment.</p>	
Strategy to Fulfill Purpose: <p>Upon referral from Bar counsel, the CFB conducts hearings, prepares written decisions, and makes recommendations to the Washington Supreme Court. The CFB meets as frequently as necessary, generally meeting one day a month for hearings.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) Conduct Character and Fitness Hearings as necessary. So far during FY'17-18, the Board has conducted 7 hearings, recommending admission in 4 and recommending denial of admission in 3 others; all of those recommendations have been approved by the Washington Supreme Court. 3 more hearings are scheduled for this fiscal year.2) Continue to use electronic tools (Box, templates, etc.) and to provide members with staff assistance so as to reduce time between hearing (and the oral decision) and the issuance of written opinions.3) The CFB will be receiving diversity training from the WSBA Inclusion and Equity Specialist at the Board's next meeting.	

2018-2019 Goals:

- 1) Continue to conduct hearings as necessary, completing all written findings and recommendations in a timely fashion.
- 2) Provide additional diversity training at the start of FY'18-19.
- 3) Continue to use electronic tools (Box, templates, etc.) and provide Board members with staff assistance in order to produce written opinions in a timely fashion while ensuring the confidentiality of the underlying proceedings.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The CFB is not currently using specific tools provided by WSBA.
- 2) The CFB will be receiving diversity training from the WSBA Inclusion and Equity Specialist at the Board's next meeting. A particular focus at this training will be implicit and structural bias. The Supreme Court's recent opinion in the Tarra Simmons bar application matter will also be reviewed and discussed as part of the training. The CFB will receive additional training at the start of FY'18-19.
- 3) The CFB's makeup is governed by Court rule (APR 23(a)). The members of the CFB come from each congressional district and a wide variety of practice areas and settings, and therefore represent broad geographic, practice, and experiential diversity; the Board also includes public representatives and it can include additional members from each Congressional district (which occurs sometimes in order to include additional members from historically underrepresented backgrounds). The Chair encourages discussion and input from all members, and the CFB works cooperatively, even when there are significant disagreements in particular cases; diversity of viewpoints is paramount to the deliberative process.
- 4) The Chair always ensures that each member in attendance at a particular hearing has an opportunity to speak during questioning and deliberations, and encourages thorough discussion of all viewpoints.
- 5) The hearings involve applicants who come from a wide range of backgrounds and experiences, many of whom have overcome very difficult personal, societal, and institutional obstacles in order to reach the point of applying for admission. The Board recommends the admission of many of these applicants after consideration of their individual circumstances, thereby helping applicants from historically underrepresented groups enter the profession (if the Court approves the Board's recommendation for admission). C&F hearings, by design, require a holistic view of the individual applicant; such a view necessarily requires the Board to take account of each applicant's individual circumstance.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) Other?*

- 1) Among other considerations, the CFB may consider factors that affect and relate to respect and civility within the legal community. (APR 21(a)(5), (6), (8) and (9).)
- 2) Among other considerations, the CFB may consider factors that affect and relate to relationships between and among lawyers, judges, staff and clients. (APR 21(a)(5), (6), (8) and (9)).
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process?*
- 2) Has the committee/board 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?*
- 3) Other?*

- 1) In order to reduce the need for recusals by CFB members, and to ensure that Board members have an adequate understanding of the stresses associated with practicing law once removed from any supports that might be provided by law schools for new grads, the rules governing the Board require lawyer members to have been admitted for at least 5 years. Nevertheless, the CFB continues to make efforts to recruit lawyers who are newer to the profession.
- 2) The CFB indirectly helps some young lawyers, because going through the Character and Fitness hearing process may encourage or require applicants to have, and provide evidence to the CFB about, supports in place to assist them in maintaining the fitness to practice law despite obstacles and stressors in an actual practice setting.
- 3) N/A
- 4) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Client Protection Fund Board	Size of Committee: 13
Chair: Efrem Krisher	Number of FY19 Applicants: 7
Staff Liaison: Sandra Schilling	FY18 direct expenses: \$2,000
BOG Liaison: Angela Hayes	FY18 indirect expenses: \$104,163
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 9:4:0 (0 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 4 (0 did not answer)• Number of members self-identified as having a disability: 1 (0 did not answer)• Number of members self-identified as LGBT: 0 (0 did not answer)	
Background & Purpose: <p>The Client Protection Board derives its authority from Admission to Practice Rules (APR) 15. The WSBA Board of Governors (BOG) serves as trustees of the Fund, while the CP Board, working with WSBA staff, administers it. Most WSBA members and other licensed lawyers are required to pay an assessment each year to the fund.</p> <p>The CP Board helps relieve or mitigate pecuniary losses sustained by clients by reason of the dishonesty of, or failure to account for money or property entrusted to, their lawyers. The CP Board reviews fund applications investigated by WSBA staff. Under APR 15, a decision by the CP Board to make a payment on an application for \$25,000 or less is final; a decision on an application for above \$25,000 is a recommendation to the BOG and must be approved by the BOG.</p>	
Strategy to Fulfill Purpose: <p>The CP Board has a staff analyst and counsel/liaison in the WSBA Office of General Counsel. The CP Board meets four times per year to review applications. In accordance with APR 15, the CP Board provides a detailed report to the BOG and the Washington Supreme Court annually.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) The electronic database has been modified to increase accuracy, efficiency and reporting functionality.2) Continue to review CP Board procedures to streamline application and decision making processes.3) Continue to monitor CP fund balance, which has increased in recent years due to an increase in the assessment in 2012. On October 1, 2016 the WSBA BOG increased the maximum allowable gift from \$75,000.00 to \$150,000. The fund approved \$186,045.00	

more in gifts during FY 17 than in FY 16, including one gift for \$150,000.00.

- 4) The name change to "Client Protection Fund" and other amendments to APR 15 recently approved by the Washington Supreme Court have been successfully implemented.

2018-2019 Goals:

- 1) Continue to educate WSBA members about the CP Board.
- 2) Increase the public awareness of the CP Board.
- 3) Continue to operate a fiscally responsible fund.
- 4) Continue to work to decide difficult claims.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The CP Board is not using specific tools; however it is cognizant of diversity and prioritizes it.
- 2) The CP Board has not yet sought training or consultation from the Inclusion and Equity Specialist.
- 3) The CP Board actively recruits members from different backgrounds and areas of the state. It includes members who work in government, solo practice and in larger firms, as well as two community members.
- 4) The CP Board respects the voice and vote of each member. Each application is discussed extensively before a vote is taken.
- 5) The CP Board consists of eleven lawyers and two community members. It currently has a diverse membership, including members who are African American, Latinx and who have multiracial backgrounds.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The CP Board promotes respect for the legal profession by relieving or mitigating losses caused by those few lawyers who betray the trust of their clients. Applicants (and lawyers who assist them in filing applications) frequently express appreciation for the CP Board's role in restoring some degree of trust in the legal profession by those injured.

- 2) See (1) above.
- 3) The CP Board promotes professionalism by righting wrongs of members of the legal profession who dishonestly deprive clients of their funds. The Board issues an annual report which details the amounts paid out to applicants, and the lawyers involved.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

- 1) The CP Board nominating Committee recommended the appointment of a newer lawyer (approximately three years of practice) last year. The BOG approved the nomination. He has been a valuable addition to the Board.
- 2) APR 15 does not have a minimum number of years of admission requirement for lawyer members. The Board is well suited to integrating young lawyers, and we will continue to do so. Younger lawyers can apply to be Chair or Vice-Chair.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Committee on Professional Ethics Chair: Don Curran Staff Liaison: Jeanne Marie Clavere BOG Liaison: Kyle Sciuchetti	Size of Committee: 9 Number of FY19 Applicants: 20 FY18 direct expenses: \$4,000 FY18 indirect expenses: \$37,533
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 4:5:0 (0 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 0 (0 did not answer)• Number of members self-identified as having a disability: 0 (0 did not answer)• Number of members self-identified as LGBT: 0 (0 did not answer)	
Background & Purpose: <p>The Committee on Professional Ethics (CPE) prepares advisory opinions addressing recurring or emerging ethics issues facing WSBA members. The advisory opinions cover a broad context and provide in-depth guidance on the Rules of Professional Conduct (RPCs) as applied to a wide variety of practice areas. The CPE also prepares recommendations for amendments to the RPCs.</p>	
Strategy to Fulfill Purpose: <p>The CPE meets in-person as a full committee six times a year and holds conference calls between meetings as needed to review and edit draft advisory opinions and potential RPC amendments. In addition, subcommittees tasked with developing drafts in particular areas spend significant time between meetings on their assignments.</p> <p>Committee meeting work on proposed advisory opinions includes a review of considerations related to the North Carolina Dental Board case so as to be mindful of maintaining and promoting freedom of competition in the ethical practice of law. Moreover, advisory opinions are now provided to the Board of Governors (BOG) for information purposes before posting on the WSBA website.</p>	
2017-2018 Accomplishments and Work in Progress: <p><u>Current Accomplishments:</u></p> <p>The CPE issued new Advisory Opinion 201801 regarding ethical obligations of lawyers moving from firm to firm. This opinion was included as information to the Board of Governors at the May 2018 meeting.</p> <p>The CPE will issue a new advisory opinion in June or July 2018 regarding client confidentiality in</p>	

the context of quadripartite relationships. The opinion resulted from a member inquiry.

The CPE proposed amendments to RPC 7.1, 7.2, 7.3, 7.4, 7.5, and 5.5 on the regulation of lawyer advertising and communication about legal services. The Board of Governors approved the committee's recommendation at its March 2018 meeting. The suggested amendments are being submitted to the Supreme Court for consideration.

The CPE reviewed over 60 Washington advisory opinions on trust accounts and withdrew a number of the older opinions and set aside others for future revision. The impetus for the review started with the Bar auditors who referred the matter to the CPE.

Work in Progress:

The CPE has projects in process that should be released in final form during the 2018-2019 committee year to include: (1) recommendations to amend Comment 18 to RPC 1.2; (2) consideration of changes to RPC 4.2 regarding private attorney contact with government employees deemed to be represented by counsel; (3) recommend amendments to RPC 1.15A on the ability of retired lawyers to maintain trust accounts; and (4) an advisory opinion regarding lawyer-mediators preparing legal documents for unrepresented parties.

2018-2019 Goals:

- 1) Increase member familiarity and use of BOX, a secure online file sharing and storage service to receive meeting materials and collaborate on existing work, and thereby improve committee efficiency.
- 2) Continue collaboration with the LLLT Board regarding the signing of trust account checks.
- 3) Finalize a proposed revision to Comment 18 to RPC 1.2 regarding advising clients under Washington State marijuana law and proposed an amendment to RPC 8.4.
Consideration of amendments to Advisory Opinion 201501 – *Providing Legal Advice and Assistance to Clients Under I-502; Lawyer Participation in Retail and Medical marijuana Business; Lawyer Purchase of Marijuana in Compliance with State Law* (2015).
- 4) Continue with its objective to address recurring or emerging ethics issues to provide in-depth guidance on the Rules of Professional Conduct.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The CPE sought and received assistance from the Communications and Outreach department and Advancement department to reach out to the executive committees of WSBA Sections and other stakeholders to obtain feedback regarding possible changes to RPC 4.2 regarding private attorney contact with government employees deemed to be represented by counsel.

- 2) N/A
- 3) The CPE membership is structured so that three positions open each year and all members are encouraged to apply. Four of the nine members of the CPE are from historically underrepresented groups.
- 4) Our diversity members chair several of the CPE subcommittees.
- 5) Through its advisory opinions and analysis of the Rules of Professional Conduct, the CPE assists members of all backgrounds in clarifying their ethical duties under the rules thereby helping them to maintain their practices and thrive in the profession.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

- 1) The CPE promotes and supports professionalism through its work on advisory opinions and analysis of legal ethical practice for members.
- 2) N/A
- 3) The CPE integrates concepts of professionalism with the analysis of the Rules of Professional Conduct in its advisory opinions.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) *How have you brought new and young lawyers into your decision making process?*
- 2) *Has the committee/board 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?*
- 3) *Other?*

- 1) The CPE includes younger members within its ranks and takes into account the practices of all members when formulating advisory opinions.
- 2) N/A
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Continuing Legal Education Committee Chair: Craig Sternberg Staff Liaison: Kevin Plachy BOG Liaison: Kim Hunter	Size of Committee: 14 Number of FY19 Applicants: 7 FY18 direct expenses: \$500 FY18 indirect expenses: \$9,198
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:10:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) • Number of members self-identified as having a disability: 0 (0 did not answer) • Number of members self-identified as LGBT: 4 (0 did not answer) 	
Background & Purpose: The purpose of the Continuing Legal Education (CLE) Committee is to support the Washington State Bar Association's (WSBA) development of continuing legal educational programming that ensures competent and qualified legal professionals, supports member transitions throughout the life of their practice, and helps to prepare members for the future with skills required for the 21 st century practice of law.	
Strategy to Fulfill Purpose: The CLE Committee provides input to the WSBA CLE Team in fulfilling its mission of serving the ongoing education needs of Washington legal professionals. The CLE Committee maintained two subcommittees in FY18: Marketing Intelligence and Programming.	
2017-2018 Accomplishments and Work in Progress: The CLE Committee maintained the Programming and Marketing Intelligence Subcommittees. The Programming Subcommittee continued working with the WSBA Presents Education Programs Lead on CLE topic ideas for FY18. In FY18 the Programming Subcommittee informed WSBA CLE on the development of several seminars including Collaborative Law, Ethics and Non-Practicing Attorneys, Artificial Intelligence and Immigration Law. The Marketing Intelligence Subcommittee continued to work with WSBA CLE in adapting to the changing market, with a focus on balancing program offerings between live seminars and on-demand programs. The Marketing Intelligence Subcommittee provided input on WSBA CLE marketing materials and processes. Suggestions were given to tailor eblast communications to program type and assess the timing of the ebasts for different practice areas. The subcommittee suggested that Sections could also provide guidance in this area. Because of this recommendation, WSBA CLE has opened a dialogue with Sections about ebasts on a program by program basis. The subcommittee recommended that the marketing brochure have a prominent display on the back page with a message to "Register Now" with an indication of how to register online and by	

phone. This suggestion has been implemented by WSBA CLE. The subcommittee also suggested WSBA CLE look further into social media advertising utilizing platforms such as Facebook, Twitter and LinkedIn. Pursuant to this advice, WSBA CLE has been working with the WSBA Communications and Outreach Department to leverage more social media advertising.

2018-2019 Goals:

The CLE Committee plans to maintain the Programming and Marketing Intelligence Subcommittees. The Programming Subcommittee will continue to work with the WSBA Presents Education Programs Lead to develop continuing legal education seminars that are useful and relevant to the members and align with the overall mission of WSBA. The Marketing Intelligence Subcommittee will work with WSBA CLE in reviewing our attendee survey feedback documents and to assist in the development of a customer feedback survey that will help inform how the membership prefers to obtain continuing legal education credit (i.e. through on-demand, in person, webcast, etc.) and further inform a marketing strategy for WSBA CLE.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The faculty database is currently being used by WSBA CLE staff in helping to ensure a diverse faculty pool for WSBA CLE.
- 2) The CLE Committee has not had training from the WSBA Inclusion and Equity Specialist but will request training in FY19.
- 3) The CLE committee encourages WSBA CLE staff to engage with a wide range of stakeholders in program development. WSBA CLE engages with a wide range of stakeholders including the WSBA practice sections, the District and Municipal Court Judges Association, the WSBA Diversity Committee and Pro Bono and Public Service Committee, the Washington Young Lawyers Committee and a variety of outside nonprofit organizations and local and minority bar associations.
- 4) The CLE Committee works affirmatively to identify and recruit a diverse group of committee members.
- 5) Through the work undertaken to adopt the faculty database, the committee has promoted a culture of inclusivity in recruitment of faculty to teach at WSBA CLE programs. By actively recruiting faculty from historically underrepresented backgrounds, WSBA CLE provides leadership opportunities for underrepresented populations.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*

4) Other?

- 1) The CLE Committee continues to address professionalism throughout all of its work by ensuring the most timely and relevant legal education is delivered to Washington legal professionals. The Legal Lunchbox series offered by WSBA CLE continues to focus on many topics that promote professional and personal development which aids in civility and professionalism. WSBA CLE also offers an annual Ethics, Professionalism and Civility program that directly deals with the topics of civility and professionalism along with ethics issues associated with those topics.
- 2) Many of the CLE programs that the CLE Committee supports specifically address relationships between lawyers and judges and professionalism in the legal profession. Law of Lawyering is an annual program that addresses these specific topics.
- 3) WSBA CLE delivers many programs that deal directly with the consequences of unprofessional or unethical behavior within the profession. In FY18 WSBA CLE delivered at least five seminars related to this specific topic.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

- 1) WSBA CLE continues to engage the Washington Young Lawyers Committee (WYLC) in developing a current topic CLE which addresses a relevant and timely topic for young lawyers. In FY18 WSBA CLE is developing a CLE on student loan debt restructuring under the new regulations. In collaboration with the WSBA New Lawyer Program, WSBA CLE is working with the WYLC on the selection of another topic for FY19.
- 2) In conjunction with the WSBA New Lawyer Program, WSBA CLE develops a Trial Advocacy Program that specifically assists new lawyers in learning and developing trial skills.
- 3) In association with the WSBA New Member Education, the CLE team is developing Learning Tracks that take a substantive area of law and build out a full curriculum from introductory to more advanced topics over the course of three learning tracks and approximately 18 hours of education. The goal of this programming is to provide new members (or transitioning members) a foundational education to jump start their entry into the substantive area of practice. New Member programming is deeply discounted for members who have been licensed for less than five years. WSBA CLE delivered a Learning Track on Estate Planning in FY17/FY18 and delivered another Learning Track in Business Law during FY18. In FY19 the plan is to develop a learning track in Employment Law.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p>Council on Public Defense (CPD)</p> <p>Chair: Eileen Farley</p> <p>Staff Liaison: Diana Singleton</p> <p>BOG Liaison: Dan Bridges</p>	<p>Size of Committee: 23</p> <p>Number of FY19 Applicants: 13</p> <p>FY18 direct expenses: \$8,400</p> <p>FY18 indirect expenses: \$24,046</p>
<p>FY18 Demographics:</p> <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:6:0 (7 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (7 did not answer) • Number of members self-identified as having a disability: 1 (8 did not answer) • Number of members self-identified as LGBT: 1 (8 did not answer) <p><i>Note: Because of its unique appointment process, most CPD members do not complete the WSBA committee application form which accounts for the lack of demographic information.</i></p>	
<p>Background & Purpose:</p> <p>The Council on Public Defense (CPD) was established in 2004 to implement recommendations of the Washington State Bar Association (WSBA) Blue Ribbon Panel on Criminal Defense for maintaining and improving constitutionally effective public defense services in Washington. The WSBA Board of Governors (BOG), finding that the CPD provided a unique and valuable forum for bringing together representatives across the criminal justice system, subsequently established the CPD as a standing entity.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The CPD unites members of the public and private defense bar, the bench, elected officials, prosecutors, and the public to address new and recurring issues impacting public defenders, the public defense system and the public that depends upon it. The CPD, after review of its Charter obligations, identified five current issues in which it has the expertise to provide assistance to public defenders and formed the Pre-Trial Reform Committee, Legal Financial Obligations (LFO) Committee, Standards Committee, Mental Health/Involuntary Treatment Act Committee, and Public Defense and Independence Committee.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <ol style="list-style-type: none"> 1) The CPD completed the Performance Guidelines for attorneys who represent juveniles, which had been requested by the Supreme Court. The Board of Governors approved the Guidelines for transmission to the Supreme Court and the Court adopted the Guidelines, making them effective immediately upon adoption. CPD members are working with others to develop a webinar discussing the Guidelines that will be presented June 25, 2018. The CPD is also exploring presenting the Guidelines through 	

the WSBA Legal Lunchbox series in 2019.

- 2) The CPD Mental Health Committee has completed proposed Performance Guidelines for attorneys who represent respondents in civil commitment hearings. The drafting process included circulating proposed Guidelines to practitioners for comment. The full CPD has approved them for circulation to a larger group of stakeholders, seeking their input. Once comments are received the CPD will review the proposed Guidelines again before sending them to the BOG, with a request that the BOG send the proposed Guidelines to the Supreme Court for adoption. The Mental Health Committee will continue work on clarifying the definition of a civil commitment proceeding for purposes of assessing caseload standards and the requirement that attorneys representing clients in civil commitment proceedings must file certificates of compliance with the Standards for Indigent Defense adopted by the Supreme Court. The Committee will again ask practitioners for input on these issues.
- 3) The CPD will continue the work of its Pre-Trial Reform, LFO, Mental Health/Involuntary Treatment Act, and Public Defense and Independence Committees. The Pre-Trial Reform Committee has completed a first draft of a tool for public defenders representing clients in bail hearings. The LFO Committee is updating a LFO bench card for judges describing significant 2018 legislative changes. The LFO Committee will refine the card for use by public defenders with the support of the WSBA Communications and Outreach Department.
- 4) The CPD provided input on a change to Criminal Rule (CrR) 3.4 being considered by the WSBA Court Rules and Procedures Committee.
- 5) The CPD discussed and supported an amendment to Rule on Appeal (RAP) 14.2, which has been adopted by the Supreme Court. The CPD has supported a parallel amendment to the Rules on Appeal from Courts of Limited Jurisdiction (RALJ).

2018-2019 Goals:

- 1) The CPD will complete work on the Mental Health Performance Guidelines as described under work in progress, section 2 above.
- 2) The CPD will complete work of the Pre-Trial Reform Committee as described under work in progress, section 3 above.
- 3) The CPD will complete work of the LFO Committee as described under work in progress, section 3 above.
- 4) The CPD will work with the WSBA Rules and Procedures Committee to have the Juvenile Court Rules, which are not included in the GR9 schedule, reviewed.
- 5) The CPD will evaluate how to specifically incorporate the American Bar Association's First Principle of Public Defense-Independence into the WSBA Standards for Indigent Defense.
- 6) The CPD hopes to collaborate with the Juvenile Offender subcommittee of the WSBA Juvenile Law Section on a statewide survey of statutorily authorized juvenile diversion programs. This will be a first step in developing recommendations and resources for such programs.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out

training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The CPD Chairs will distribute the race equity planning tool developed by the WSBA for committee chairs to use in their project planning. The CPD is interested in learning what other tools are available for future use.
- 2) No. The CPD is open to learning what types of trainings are available.
- 3) In its most recent work, the CPD has engaged with practitioners in local jurisdictions and circulated for comment a proposed Performance Guidelines for attorneys representing clients in civil commitment proceedings to the following entities which work with indigent clients:
 - TeamChild
 - Washington Association of Counties
 - Gender and Justice Commission
 - Minority and Justice Commission
 - Public Defense Agencies
 - Washington Association of Criminal Defense Lawyers
 - Washington Defender Association
 - Disability Rights Washington
 - National Association for the Mentally Ill (NAMI) various chapters
- 4) The Chair and Vice Chair have emphasized that during discussions all CPD members will be asked for their input, not only those who volunteer input.
- 5) The CPD pays attention to issues of diversity and inclusion as it relates to recruiting and filling positions. The CPD takes diversity, including geographic diversity, into account when making its recommendations about appointments. The CPD has continued to focus on bringing together a broad group of criminal justice system stakeholders. The most recent member is the prosecutor for the Colville Confederated Tribes. A Clallam County Commissioner has agreed to seek appointment for the government position that will open in October, when the Clark County Public Defense Administrator becomes an emeritus member.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
 - 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
 - 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
 - 4) Other?*
- 1) The CPD unites diverse members of the legal community and public in a shared project of the WSBA to support work of public defenders to provide their clients with strong and accessible public defense services. The CPD has worked to include prosecutors and city attorneys as members in order to assure all voices and perspectives are at the table and

engaged in the Council's discussions.

- 2) The CPD actively promotes professionalism so all members can express, debate, and consider competing views respectfully and productively to fulfill this shared WSBA mission.
- 3) The CPD makes an effort to have discussions about ethical practices, which includes professionalism.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

- 1) The CPD reaches out to younger members of the bar and law school students to participate in its work, both as active members and as interested parties. Some members, particularly those who teach at the Washington law schools, invite students and new and young lawyers to attend meetings. To the extent possible we encourage these individuals to attend meetings and contribute to the conversation.
- 2) New and young lawyers are invited to attend meetings and find ways to get involved. New and Young Lawyers are encouraged to voice their opinions in meetings and actively participate in the work of the committees. CPD Chair Eileen Farley participated in the MentorLink Mixer on Bar Leadership in January 2018 and used the opportunity to connect with New and Young Lawyers about the work of the Council. In 2018 staff will present to the New and Young Lawyers Committee about the work of the Council as they have done in years past.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Court Rules and Procedures Committee Chair: Shannon Kilpatrick Staff Liaison: Nicole Gustine BOG Liaison: Brian Tollefson	Size of Committee: 28 Number of FY19 Applicants: 21 FY18 direct expenses: \$4,000 FY18 indirect expenses: \$26,217
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 15:11:0 (2 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 2 (2 did not answer) • Number of members self-identified as having a disability: 3 (1 did not answer) • Number of members self-identified as LGBT: 5 (1 did not answer) 	
Background & Purpose: The Court Rules and Procedure Committee (Committee) studies and develops suggested amendments to designated sets of Washington court rules on a regular cycle of review established by the State Supreme Court. It occasionally responds to requests for comment from the Supreme Court on proposals developed by others. The Committee performs the rules-study function outlined in General Rule 9 and reports its recommendations to the BOG.	
Strategy to Fulfill Purpose: The Committee consists of several subcommittees that review the court rules and obtain input from stakeholders as to possible amendments. The subcommittees vet, draft and discuss proposed amendments and submit them to the full Committee for discussion and approval. Proposed amendments approved by the Committee are forwarded to the BOG for approval. If the BOG approves, the proposed amendments are forwarded to the Supreme Court in accordance with General Rule 9.	
2017-2018 Accomplishments and Work in Progress: In 2018, the Committee has been reviewing the Criminal Rules (CrR) and the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) as part of the regular cycle of review established by the Supreme Court. The Committee focused on CrR 1.3, CrR 3.4, CrR 4.4, CrR 8.2 and RAP 5.2, and CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3. The Committee also considered out of cycle a proposed amendment to Civil Rule 30 proposed by practitioner Aaron Rocke. On May 23, 2018, the Court asked the Committee to review the Mandatory Arbitration Rules (MAR) that will be affected by the EHB 1128 legislation. The Committee will form an ad hoc subcommittee to address the effect of the legislation on the MAR's.	

The Committee will be forwarding recommendations to the BOG in the next few weeks and months.

2018-2019 Goals: To continue to carefully vet and scrub new proposals. Next year the Committee will review the Evidence Rules and the Infraction Rules for Courts of Limited Jurisdiction.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Committee is cognizant of diversity in selecting its members. It is an important factor in recruitment and consideration of applicants.
- 2) The Committee has not received training or consultation from the Inclusion and Equity Specialist.
- 3) The Committee seeks input from a wide variety of stakeholders before finalizing proposals, including reaching out to several minority bar associations. We have also reached out to organizations that represent minority viewpoints that might not normally be aware of the Committee's work.
- 4) During the application period, the current Chair reached out to the leadership of several specialty and minority bar associations to encourage their membership to apply to be on the Committee. The Committee is currently quite diverse, as noted above.
- 5) The current Committee membership comes from a wide range of backgrounds, experiences, and identities.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The Committee seeks to engage members and the wider legal community in the process of studying and reviewing court rules. It promotes respect and civility by encouraging vigorous but civil debate even when members and/or stakeholders have strongly held but opposing views.
- 2) By engaging WSBA members and stakeholders outside of the Committee in the rule review process, the Committee's work seeks to improve relationships among lawyers and judges. The Committee includes three judges who serve as liaisons (non-voting), one each from the Superior Court, Court of Appeals, and District/Municipal Court. In addition, the Supreme Court Rules Committee seeks input from the WSBA Court Rules

Committee, which furthers dialogue between WSBA lawyers and Justices of the state's highest court.

3) N/A

4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

- 1) The Committee does not have a minimum number of years of admission requirement to serve. Its lawyer members purposefully have a wide range of years of experience, including members who have only a few years of practice experience. The Committee often attracts some applicants who are newer to the profession, some of whom are usually selected to serve.
- 2) The Committee provides opportunities for all members, including young lawyers, to chair subcommittees and the larger Committee. It provides opportunities for younger members to meet and be mentored by experienced members, as well as judges.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Disciplinary Advisory Round Table Chair: Hon. Charles K. Wiggins Staff Liaison: Darlene Neumann BOG Liaison: NA	Size of Committee: 8 (plus standing members) Number of FY19 Applicants: 8 FY18 direct expenses: \$1,500 FY18 indirect expenses: \$26,782
FY18 Demographics: Not available, as DART was not an ongoing entity when the FY18 members were appointed.	
<p>Background & Purpose: In 2010, the Board of Governors created the Disciplinary Advisory Round Table (DART) following a recommendation from the BOG Discipline Review Committee, which was approved by the Court. The purpose of DART is to act as a forum for the discussion of issues and concerns regarding the lawyer discipline system in Washington. Initially, DART was given a two-year pilot term after which it would be reviewed and evaluated by the Board and the Court.</p> <p>In 2012, with approval from the Board and the Court, DART was extended for another two years. DART began its second term in July 2013. In September 2015, DART requested a third two-year extension of its charter, which was approved by the Board and the Court. On September 29, 2017, DART became an ongoing entity to maintain a forum for the discussion of issues affecting the discipline system. This amended charter was approved by the Court on November 8, 2017.</p>	
Strategy to Fulfill Purpose: The DART meets on an ad hoc basis to address concerns and issues that may be raised by its members or originate from other sources, such as the Court. Members are given training on the discipline system so they may gain a thorough understanding of the process and procedures.	
<p>2017-2018 Accomplishments and Work in Progress:</p> <p>DART held discussions on:</p> <ul style="list-style-type: none">• The proposed adoption of the ABA Model Rule on Payee Notification by the Washington State Office of Insurance Commissioner;• The proposed Coordinated Discipline System;• Audio and Video Recordings in disciplinary hearings and the lack of ELC rules addressing the issue;• Order of argument procedure in ELC 7.2(a)(2) Interim Suspension Hearings;• Confidentiality in Diversion contracts under proposed amendments to ELC 3.3, 3.4, and 6.6; and• Changes to DART's charter to clarify its status as continuing entity and establishment of	

member terms and appointments.

Since the member terms officially expired September 30, 2017, and the future of DART had not yet been determined, there was no further recruitment for DART. Once the Board of Governors approved DART as an ongoing entity at the September 2017 meeting, it also authorized a temporary extension by one year of the existing members' terms (with their consent) to act as a bridge until a new DART committee could be appointed under the regular cycle of committee members appointments beginning in September 2018.

2018-2019 Goals:

1) The DART will hold an orientation for new members regarding the process and procedures of the discipline system. 2) DART will meet as needed to discuss emergent issues in the discipline system.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) Staff enlisted the Bar's diversity staff and Communications and Outreach Department to assist in recruiting diverse members. The Bar's diversity staff directly contacted the executive committees of the minority bar associations on DART's behalf. Additional efforts were targeted to the LLLTs and LPOs.
- 2) We consulted with the diversity staff, Dana Barnett and Joy Williams. We also received assistance from Bar Services Manager, Pam Inglesby.
- 3) N/A
- 4) N/A
- 5) In the past, DART has asked its MBA representative to solicit input from the MBA community on issues of concern regarding the discipline system.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) DART has considered issues that affect the relationships between ODC and Respondent's Counsel, Hearing Officers, and the Disciplinary Board. The issues generally involve modifying certain processes and procedures within the discipline system, thereby

improving the working relationships and promoting respect and civility among all participants.

2) See answer to question 1.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

1) DART has seats for a lawyer member not otherwise involved in the disciplinary process, for a LLLT and for an LPO. Any of these positions could be fulfilled by a new or young lawyer or licensed legal professional.

2) N/A

3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Disciplinary Board (D-Board) Chair: Marc Silverman Staff Liaison: Julie Shankland BOG Liaison: Kim Hunter	Size of Committee: 14 Number of FY19 Applicants: 10 FY18 direct expenses: \$10,000 FY18 indirect expenses: \$218,789
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 9:6:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) • Number of members self-identified as having a disability: 1 (0 did not answer) • Number of members self-identified as LGBT: 2 (0 did not answer) 	
Background & Purpose: The Disciplinary Board (D-Board) derives its authority from the Supreme Court (see ELC 2.3). The D-Board performs an important role in the disciplinary/regulation process by: (1) serving as an intermediate appellate body for contested disciplinary and disability matters; (2) approving, conditionally approving or rejecting certain stipulations negotiated by the Office of Disciplinary Counsel (ODC) and respondents; and (3) through its review committees, acting on requests from the ODC to order matters to hearing, and on requests from grievants for review of matters that have been dismissed by ODC.	
Strategy to Fulfill Purpose: The D-Board is made up of four review committees, one of which meets every three weeks, plus the Board chair and vice-chair. The D-Board meets six times each year as a full board. At these meetings, the D-Board reviews hearing officer recommendations for suspension and disbarment when a timely request for review/appeal is filed (or sua sponte review is ordered by the Board), and automatically reviews stipulations for suspension or disbarment. The D-Board issues a written recommendation to the Supreme Court in contested matters. The D-Board holds oral arguments in some cases, which are open to the public. The four review committees meet by telephone to review requests for hearings and grievant appeals from dismissals. The review committees' work is confidential and not open to the public.	
2017-2018 Accomplishments and Work in Progress: The Disciplinary Board met 27 times (review committees plus full board meetings) and reviewed 527 matters.	

2018-2019 Goals:

The Disciplinary-Board's work is determined by Court Rule (ELC). The goal is to continue to perform high quality work in a timely manner in accordance with Court Rules.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Disciplinary Selection Panel (DSP), which is a separate entity from the D-Board, makes nominations to the BOG for members to serve on the Board. Under ELC 2.2(f), the DSP considers diversity in gender, ethnicity, disability status, sexual orientation, geography, area of practice and practice experience.
- 2) The D-Board has not sought training/input from the Inclusion and Equity Specialist but is open to such training.
- 3) The D-Board seeks input from all of its members, who must vote on each order/decision in matters involving the full Board. The D-Board has four public members, who provide a different perspective. One public member serves on each review committee.
- 4) By court rule, the D-Board has ten lawyer members and four community representative members. The current D-Board includes members self-identified as several different races/ethnicities. The DSP interviews prospective members and makes nominations to the BOG. As noted above, ELC 2.2(f) states that in making selections, the DSP and the BOG consider diversity.
- 5) The D-Board provides many leadership opportunities for interested Board members to serve, as Chair or Vice-Chair of the full Board, or as Chairs of each of the four review committees.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The D-Board adjudicates cases in which lawyers have behaved both unprofessionally and unethically. These issues are often raised in oral arguments and briefs, which are part of the public record.
- 2) Although not directly part of its mission, the D-Board is mindful of the need to conduct itself in a manner that models cooperative and respectful relationships, even if people disagree.
- 3) The D-Board serves important functions in the disciplinary process. In performing its court mandated functions, the D-Board raises awareness of ethical rules and of the consequences of unprofessional behavior. Most oral arguments in discipline cases

before the D-Board are open to the public. In addition, the D-Board issues public orders and decisions in most of the matters that come before it (certain matters are nonpublic by court rule).

4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

1) Per court rule, the D-Board's lawyer members must have been WSBA members for at least five years.

2) N/A

3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p>Editorial Advisory Committee</p> <p>Chair: Renee McFarland</p> <p>Staff Liaison: Margaret Morgan</p> <p>BOG Liaison: Dan Bridges</p>	<p>Size of Committee: 14</p> <p>Number of FY19 Applicants: 6</p> <p>FY18 direct expenses: \$800</p> <p>FY18 indirect expenses: \$9,758</p>
<p>FY18 Demographics:</p> <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:6:0 (2 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 1 (2 did not answer) • Number of members self-identified as having a disability: 1 (2 did not answer) • Number of members self-identified as LGBT: 0 (2 did not answer) 	
<p>Background & Purpose:</p> <p>The Editorial Advisory Committee (EAC) derives its authority from the WSBA Bylaws. The Editorial Advisory Committee's members assist WSBA staff in overseeing publication of <i>NWLawyer</i>, WSBA's official magazine. <i>NWLawyer's</i> mission statement is: <i>NWLawyer will inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and to enrich their careers.</i></p>	
<p>Strategy to Fulfill Purpose:</p> <p>EAC members consult with WSBA staff regarding content selection, recruit authors or write articles themselves, and provide suggestions for feature stories and columns that will provide readers with information about other bar members and their practices, current events and trends of interest to the legal community, programs and services provided to members by WSBA, and the work of the Board of Governors.</p>	
<p>2017–2018 Accomplishments and Work in Progress:</p> <ol style="list-style-type: none"> 1) Created an "overflow" letters page in the online version, to handle increased number of letters to the editor and space limits in the print magazine. WSBA staff are vetting potential vendors for an upgraded platform for the online version that will be mobile-friendly and fully word-searchable and will support online ads. 2) Added "teasers" on the cover about features in the magazine other than the cover story, to increase reader interest. Striking cover art/design sparked reader interest (as evidenced by letters in response) in articles such as: (1) "Hate Speech, Guns and the First Amendment," Dec 2017/Jan 2018 (use of strong editorial photo from Charlottesville protest on cover); (2) "The Therapist and the Murderer," Feb 2018 (special varnish applied to cover art for more dramatic effect). Monthly graphic feature, "Bar Buzz," launched in Sept. 2017 issue designed to attract the eye (with minimal text), highlighting a WSBA benefit or discount. 	

- 3) Get more committee engagement, through using the Zoom videoconferencing app and addressing follow-up to committee members' suggestions: Members of EAC actively reviewed unsolicited submissions and gave feedback as to suitability for inclusion in the magazine. EAC members generated numerous story ideas that have been written or are in development. EAC member-authored articles in FY18 issues to date:
 - a. Oct. 2017: 2
 - b. Nov 2017: 1
 - c. Feb. 2018: 1
 - d. Mar 2018: 2
 - e. Apr/May: 1 (cover story) + 1 article whose author was recruited by an EAC member
- 4) New editor hired end of Nov. 2017 and is working with EAC members on developing story ideas and recruiting authors.
- 5) Four-hour annual planning meeting held April 18, 2018, with good attendance. Long-range planning for magazine done and story ideas developed.

2018-2019 Goals:

- 1) Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles.
- 2) Work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives.
- 3) Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor.
- 4) Get the word out to members about the work the WSBA and its Board of Governors is doing and solicit member feedback.
- 5) Increase ad sales revenue by diversifying types of advertisements run.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) N/A
- 2) We plan to have the Inclusion and Equity Specialist attend the next annual planning meeting and give committee members a training.
- 3) There is diversity in background, years in practice, areas of practice, and perspectives among the EAC members who weigh in on story ideas and unsolicited submissions. We are in regular dialogue with the WSBA Inclusion and Equity Specialist regarding language and images used in the magazine.
- 4) We encourage EAC members to help us, by reaching out through their networks and soliciting authors, to include within the magazine voices that are not as frequently heard from, so that many different points of view are expressed.
- 5) We have worked to ensure that these members are well represented in the magazine,

via solicitation of "Beyond the Bar Number" members to feature as well as in articles such as "Coming In From the Outside: Stories of Lawyers Who Don't Fit the Norm," March 2018; and "Decoding the Law: Outtakes From the Washington State Bar Association December Panel on Race Relations," Feb. 2018. An upcoming issue will explore the Character and Fitness process, including first-person experiences of applicants to the bar who overcame obstacles.

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

The following are relevant to all the questions above:

- Our frequent ethics columnist and former chair of the Committee on Professional Ethics, Mark Fucile, has agreed to write a column "Ethics and the Law" for every issue that will address not just avoiding violations of the RPCs but issues of professionalism and civility.
- Additional articles promoting civility and professionalism: "Listen: How Emotional Intelligence and 'Soft Skills' Can Make Us Better Lawyers," Feb. 2018 (civility); and "Summoned: A Lawyer's View From Inside the Jury Room," April/May 2018 (promoting respect and appreciation for the jury system); "Celebrate Pro Bono Month," Oct. 2017 (promoting pro bono volunteering).
- Beginning with the June 2018 issue, we will run a feature documenting our new "Professionalism in Practice" (PIP) awards, which WSBA will be presenting continually throughout the year to practitioners who have been nominated for acts of outstanding professionalism and are being recognized for advancing the rule of law through day-to-day acts of integrity, respect, cooperation, and customer service.
- Every issue includes current disciplinary notices.

Please report how this committee/board is integrating new and young lawyers into its work:

1) *How have you brought new and young lawyers into your decision making process?* 2) *Has the committee/board 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?* 3) *Other?*

- 1) One member of the EAC is a new/young lawyer (admitted fewer than five years ago).
- 2) The committee is intentional about developing article ideas for the magazine that will be of interest and useful to new and young lawyers. E.g., "Practice, Practice, Practice: WSBA's Learning Tracks," March 2018 (focusing on a new type of CLE series designed for new/young lawyers who want an immersive, "primer" experience in a practice area). An upcoming article, in development, will feature questions that undergraduates ask their professor (a lawyer and EAC member) about law school and the legal profession; we will be reaching out to WSBA members (especially new and young lawyers) to ask how they would respond.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Judicial Recommendation Committee (JRC) Chair: Anne Hall Staff Liaison: Sanjay Walvekar BOG Liaisons: Paul Swegle and Alec Stephens	Size of Committee: 22 Number of FY19 Applicants: 18 FY18 direct expenses: \$4,500 FY18 indirect expenses: \$8,433
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 11:10:0 (1 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 1 (1 did not answer) • Number of members self-identified as having a disability: 0 (2 did not answer) • Number of members self-identified as LGBT: 3 (3 did not answer) 	
Background & Purpose: The Judicial Recommendation Committee (JRC) derives its authority from the Bylaws of the WSBA. The JRC screens and interviews candidates for state Court of Appeals and Supreme Court positions. Recommendations are reviewed by the WSBA Board of Governors (BOG) and referred to the Governor for consideration when making judicial appointments. Per the JRC Guidelines, “[t]he proceedings and records of the committee, including the comments of applicants, committee discussions, and committee votes, shall be kept strictly confidential.”	
Strategy to Fulfill Purpose: The JRC screens and interviews candidates for the state’s appellate courts, the Washington Supreme Court and the Washington State Court of Appeals. Thereafter, it makes recommendations to the BOG. Following Board approval, the recommendations are sent to the Washington State Governor's Office as part of the committee’s role of preparing and maintaining a list of individuals who are well-qualified for and interested in appointment to the appellate bench.	
2017-2018 Accomplishments and Work in Progress: The JRC has held two meetings as of June and is scheduled for one more meeting in August before the close of FY18: <ol style="list-style-type: none"> 1) Achieved quorum for two scheduled meetings; 2) Interviewed six candidates; 3) Contacted 237 references; and 4) Recommended four candidates to be included on the well-qualified list thus far this fiscal year. 	
2018-2019 Goals: <ol style="list-style-type: none"> 1) Continue to offer a thorough and fair process aimed at ensuring well-qualified 	

candidates are presented to the Governor's office for open positions on the Washington Supreme Court and Court of Appeals.

- 2) Continue to educate committee members about the importance of reference check assignments, in-person attendance, and ability to make quorum.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) A diversity of perspectives is embedded in the JRC Guidelines under "Composition," for selection of committee members.
- 2) The committee will consult with the WSBA inclusion and equity specialist.
- 3) Please see 1, above.
- 4) Please see 1, above.
- 5) Without going into too much detail due to confidentiality of the process, some of the criteria the committee considers when recommending a candidate are related to a commitment to diversity.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) Without going into too much detail due to the confidential nature of this committee, some of the criteria the committee considers when recommending a candidate are related to aspects of professionalism.
- 2) N/A
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

- 1) While there are several new and young lawyers on the committee who have an equal say in the vetting process (e.g., voting), the nature and work of this committee is most suited to those who have familiarity and experience with the appellate bench.
- 2) N/A
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Law Clerk Board Chair: Benjamin Phillabaum Staff Liaison: Chris Coleman BOG Liaison: Dan Clark	Size of Committee: 9 Number of FY19 Applicants: 7 FY18 direct expenses: \$4,000 FY18 indirect expenses: \$33,920
FY18 Demographics: <ul style="list-style-type: none"> Gender (Female: Male: Not Listed): 6:3:0 (0 did not answer) Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) Number of members self-identified as having a disability: 1 (0 did not answer) Number of members self-identified as LGBT: 2 (1 did not answer) 	
Background & Purpose: The Law Clerk Board (LCB) derives its authority from Rule 6 of the Admission and Practice Rules (APR). The Board of Governors (BOG) appoints the members of the LCB. The purpose of the LCB is to assist the WSBA in supervising the APR 6 Law Clerk Program (Program).	
Strategy to Fulfill Purpose: The LCB considers applications for enrollment in the Program, interviews and evaluates law clerks and tutors before and during the course of study to ensure they are meeting the requirements of the Program.	
2017-2018 Accomplishments and Work in Progress: In order to improve efficiency, the LCB delegated additional authority to WSBA staff to perform certain administrative tasks, including approving certain fourth year course requests. The LCB also reviewed the law clerk annual fee and has proposed an increase which will soon be considered by the BOG.	
2018-2019 Goals: <ol style="list-style-type: none"> 1) Continue to find ways to improve efficiency of the LCB to accommodate potential influx of law clerks. 2) Explore ways to promote the program to high school and college students. 	
Please report how this committee/board is addressing diversity: <i>1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to</i>	

enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The LCB continues to seek board members who represent diversity in geography as well as members who self-identify as individuals that are underrepresented in the legal profession including, but not limited to, race, sexual orientation, disability, and ethnicity. The LCB will schedule a training with WSBA's Inclusion and Equity Specialist in fiscal year 2019.
- 2) The LCB seeks to have a diverse group of board members in order to bring a variety of perspectives to the table.
- 3) N/A
- 4) The Program itself provides an alternative to law school for those who may have barriers to attending law school. The LCB will consider other ways to increase the diversity of the law clerks enrolled in the Program by, for example, reaching out to the diversity staff at the Bar to contact minority and local bar associations. The LCB also plans on collaborating with WSBA staff to engage in outreach efforts to promote the Program to broader audiences.
- 5) N/A

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

- 1) Clerks participating in the Program learn about professionalism during the course of their education while working in the law firm. The LCB raises issues of professionalism during interviews and evaluations when necessary.
- 2) No
- 3) No
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) *How have you brought new and young lawyers into your decision making process?*
- 2) *Has the committee/board 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?*
- 3) *Other?*

- 1) Lawyers who have recently completed the Law Clerk Program currently serve and will serve next year on the LCB. While there are limited positions available, clerks who are about to complete the Program and take the bar exam are encouraged to participate with other WSBA boards and committees to share the Program perspective with the broader WSBA community.
- 2) The Law Clerk Program is intended to be an affordable alternative to law school which allows new and young lawyers to start their careers without having to worry about student loan debt. In addition, through their work experience they have already begun making connections within the legal community.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Limited License Legal Technician (LLLT) Board Chair: Steve Crossland Staff Liaison: Renata Garcia BOG Liaison: Dan Clark	Size of Committee: 15 Number of FY19 Applicants: 6 FY18 direct expenses: \$17,000 FY18 indirect expenses: \$92,636
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 12:2:0 (0 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer)• Number of members self-identified as having a disability: 2 (0 did not answer)• Number of members self-identified as LGBT: 2 (0 did not answer)	
Background & Purpose: <p>The Limited License Legal Technician (LLLT) Board derives its authority from the Washington Supreme Court under Rule 28 of the Admission to Practice Rules (APR), adopted effective September 1, 2012. By order of the Court, the WSBA is to administer and fund the LLLT Board and the program.</p> <p>APR 28 authorizes persons who meet certain educational and licensing requirements to advise clients on specific areas of law. The only currently approved practice area is domestic relations. The Supreme Court established the LLLT Board to oversee the LLLT license.</p>	
Strategy to Fulfill Purpose: <p>From 2013-2016, the LLLT Board concentrated on creating the operational details for the LLLT license; the LLLT Board is now focusing on the promotion, expansion, and development of the license.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) In February 2018, the LLLT Board submitted suggested amendments to APR 28, the LLLT RPC and the RPC for lawyers for consideration by the Washington Supreme Court. These amendments would enhance the scope of the current family law practice area. The Court recently published the suggested amendments for comment. Comments are due by no later than September 14, 2018.2) The LLLT Board is currently circulating a new proposed practice area, Consumer, Money, and Debt, for comment before taking further action, i.e., developing curriculum requirements, seeking approval by the Court, etc. The LLLT Board hopes to engage as many subject matter experts as possible in the development of this and any future proposed practice areas.	

- 3) The LLLT Board recently approved the University of Washington Continuum College Paralegal Studies Program to teach the LLLT core curriculum.
- 4) The LLLT Board has been engaging in discussions to explore ways in which LLLT students may qualify for financial aid.

2018-2019 Goals:

- 1) The LLLT Board will continue to consider and recommend new practice areas for approval by Supreme Court.
- 2) If the family law enhancements are approved by the Court, the LLLT Board will develop the required training for currently licensed LLLTs.
- 3) The LLLT Board also plans to expand the accessibility of the LLLT core curriculum across the state by continuing to approve core class programs at additional community colleges.
- 4) The LLLT Board will continue to engage in outreach efforts, including working with the WSBA communication team to expand outreach to a diverse pool of LLLT candidates, including college and high school students.
- 5) The LLLT Board also plans to advance its efforts to provide access to financial aid for students in the LLLT practice area classes.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The LLLT Board seeks members from different backgrounds and experiences who work together to foster a positive work environment in concert with WSBA's commitment to diversity and inclusion.
- 2) The LLLT Board will schedule training with WSBA's Inclusion and Equity Specialist.
- 3) The LLLT Board seeks input from all WSBA members as well as the legal community in general when making important decisions such as developing a new practice area.
- 4) APR 28 has been amended at the request of the LLLT Board to allow LLLTs and LPOs as well as attorneys with judicial and emeritus pro bono status to serve as Board members.
- 5) The core curriculum educational approval process reflects the LLLT Board's commitment to diversity in that it requires any institution offering the core curriculum to have diversity, inclusion, and equal access policies and practices in place. The LLLT Board also sought to increase diversity within the LLLT profession by extending the limited time waiver (see APR 28 Regulation 4) to 2023 in order to allow a group of candidates qualified by work experience rather than by education to enroll in the practice area classes. The ongoing effort to provide a pathway to financial aid for the practice area classes also aims to provide more opportunities to the LLLT profession to prospective applicants from diverse socio-economic backgrounds.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?
- 4) Other?

- 1) The LLLT Board has set up rules of professional conduct and a disciplinary system for LLLTs, as well as requiring LLLTs to carry malpractice insurance and conform to the same rules as lawyers regarding IOLTA accounts.
- 2) The LLLT Board has worked to promote LLLTs in the legal community and educate all legal professionals about the permitted scope and models for LLLT practice, as well as highlighting the ways in which collaboration with LLLTs can contribute to the efficiency and accessibility of any legal practice.
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process?
- 2) Has the committee/board 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?
- 3) Other?

- 1) All WSBA members are invited to provide comments on rules and new practice area suggestions and development, including new and young lawyers.
- 2) N/A
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Limited Practice Board Chair: Shelley Miner Staff Liaison: Renata Garcia BOG Liaison: Angela Hayes	Size of Committee: 9 Number of FY19 Applicants: 7 FY18 direct expenses: \$3,000 FY18 indirect expenses: \$42,709
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 3:5:0 (1 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 0 (1 did not answer) • Number of members self-identified as having a disability: 0 (1 did not answer) • Number of members self-identified as LGBT: 0 (1 did not answer) 	
Background & Purpose: The Limited Practice Board (LPB) derives its authority from the Washington Supreme Court under rule 12 of the Admission and Practice Rules (APR). The purpose of the LPB is to oversee the Limited Practice Officer (LPO) license program.	
Strategy to Fulfill Purpose: The LPB will meet four to six times a year to develop and grade the LPO exam and discuss issues and items of concern or that are relevant to the LPO license.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) LPOs have been and will continue to be incorporated into the coordinated Admission and Licensing processes. 2) LPOs currently do not have an education requirement. The LPB has been discussing the possibility of implementing an education requirement without unnecessarily compromising accessibility to enter the legal profession. The Board has decided that the industry has been adequately preparing LPO applicants and that an education requirement should not be implemented. 3) The LPB reviewed the LPO license fees and recommended an increase for active LPOs to \$200; this recommendation will soon be considered by the BOG. 	
2018-2019 Goals: Review and improve the LPO exam including analysis of current exam by Ergometrics, a review and improvement of essay questions and an evaluation of the grading method for the problem section of the exam.	
Please report how this committee/board is addressing diversity: <i>1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a</i>	

culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The LPB is dedicated to furthering WSBA's commitment to diversity and inclusion through Board recruitment and ongoing interactions with each other, members, and the general public.
- 2) The LPB will schedule training with WSBA's Inclusion and Equity Specialist in fiscal year 19.
- 4) The license provides an opportunity to enter the legal profession, albeit in limited practice, for those who have had barriers to completing higher education.
- 5) The LPB plans on working with WSBA staff to expand outreach to a diverse pool of LPO candidates, including high school students.

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) Other?*

- 1) LPB members are invited to speak at LPO Continuing Education seminars; examples of situations regarding the LPO Rules of Professional Conduct are a popular topic.
- 2) N/A
- 3) No.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?*

- 1) There is no "years-of-practice" requirement for the LPB so all are welcome to apply. At least one board member is a new lawyer. However, LPO members of the LPB tend to be more experienced.
- 2) Regarding the focus on services for new practitioners, the WSBA has not defined a group of "new and young LPOs" such as the lawyer group defined as "admitted to practice fewer than 5 years or under 36 years of age." However, as members of the bar, LPOs, including new and young LPOs, are now able to take advantage of many services.
- 3) N/A

MCLE BOARD ANNUAL REPORT – FY18

Mandatory Continuing Legal Education Board Chair: Melissa Skelton Staff Liaison: Adelaine Shay BOG Liaison: Paul Swegle	Size of Committee: 7 Number of FY19 Applicants: 5 FY18 direct expenses: \$2,000 FY18 indirect expenses: \$83,350
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 3:4:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 2 (0 did not answer) • Number of members self-identified as having a disability: 1 (0 did not answer) • Number of members self-identified as LGBT: 0 (0 did not answer) 	
Background & Purpose: The Mandatory Continuing Legal Education Board (MCLE Board) derives its authority from the Washington Supreme Court under Admission and Practice Rule 11. The Supreme Court-appointed MCLE Board accredits courses and educational programs that satisfy the educational requirements of the mandatory CLE rule, considers MCLE policy issues as well as reporting and exception situations, and considers member and sponsor petitions for waivers from requirements and appeals from decisions.	
Strategy to Fulfill Purpose: Timely and accurately review an average of 20,000 courses and educational programs per year, monitor member compliance with MCLE requirements, respond to all MCLE-related inquiries, and fairly consider all member and sponsor requests.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) Reviewed all MCLE related fees and proposed changes to the existing fee structure. Those changes were approved by the WSBA Board of Governors. 2) The MCLE team is coordinating the LLLT and LPO MCLE compliance. Full database integration with the current lawyer system is currently scheduled to take place during the 2018-19 fiscal year. 3) Continued to work to increase the diversity of the MCLE Board through recruitment efforts. 4) Participated in a diversity training presented by WSBA Inclusion and Equity Specialist Robin Nussbaum in October 2017. 5) Completed and resolved by motion 74 petitions from members (through May 2018) for modifications and waivers of one or more MCLE requirements. 	

- 6) Held 3 member MCLE hearings.
- 7) Audited 3 courses, made presentations about each to the full MCLE Board, and provided detailed reports to each sponsor regarding the strengths and weaknesses of the course as well as recommendations for improvement.

2018-2019 Goals:

- 1) Review financial hardship qualifications for undue hardship petitions and, if appropriate, propose changes to the existing qualifications.
- 2) Continue to work to increase the diversity of the MCLE Board.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Board has not attempted to use tools provided by WSBA.
- 2) Participated in a diversity training presented by WSBA Inclusion and Equity Specialist Robin Nussbaum in October 2017.
- 3) The MCLE Board continues to seek members who represent diversity in geography, and all other diversity criteria used by the WSBA. In addition, the MCLE Board has done targeted outreach to members and/or sponsors regarding topics that the Board has considered during the year. Also, the Board routinely receives and considers input from members affected by the MCLE rules when considering petitions filed by the members.
- 4) We foster an atmosphere of civility and collegiality insofar as how we receive comments from Bar members, staff, fellow board members and others. This is accomplished by active listening to all and discussions focused on fairness and similar treatment of issues. Consistency in the application of the rules is maintained by active discussion on the merits with the goal being consensus.
- 5) Although this may or may not apply directly or only to members from historically underrepresented groups, the MCLE rules and the Board's considerations include requests for accommodation of various disabilities as well as consideration of issues causing "undue hardship" and financial issues.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The MCLE Board is primarily regulatory. However, through auditing courses, the Board is able to gauge and monitor the level of professionalism presented during seminars.

In addition, the Board treats members with respect and courtesy while enforcing the Supreme Court's MCLE requirements and ensuring protection of the public.

- 2) The Board seeks to improve relationships between lawyers, judges, and clients by reviewing and approving quality continuing legal education courses that provide the skills necessary for making and maintaining successful relationships.
- 3) Although the Board itself is not involved in raising such awareness, the Supreme Court's MCLE rules that are applied by the Board do allow for accreditation of MCLE activities that raise awareness about the causes and/or consequences of unprofessional behavior.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

- 1) The MCLE Board continues to seek members who represent new and young lawyers.
- 2) The Board supports young lawyers by encouraging mentorship as a tool for professional and personal development.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Practice of Law Board (POLB) Chair: Paul Bastine Staff Liaison: Julie Shankland BOG Liaison: Brian Tollefson	Size of Committee: 13 Number of FY19 Applicants: 4 FY18 direct expenses: \$15,000 FY18 indirect expenses: \$82,826
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 6:6:0 (1 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 2 (1 did not answer)• Number of members self-identified as having a disability: 1 (1 did not answer)• Number of members self-identified as LGBT: 2 (3 did not answer)	
Background & Purpose: <p>The Practice of Law Board (POLB) derives its authority from GR 25 and the Court's 2015 Order reconstituting the Board and refocusing its mission. The POLB directed the Board to increase its focus on educating the public about how to receive competent legal assistance and considering new avenues for other legal professionals to provide legal and law-related services.</p>	
Strategy to Fulfill Purpose: <p>In pursuit of the above directive, the POLB seeks to reach beyond the mainstream to identify cutting edge strategies that track and anticipate developments in the profession, in technology, the market for legal services, and in consumer needs generally.</p> <p>The POLB works with strategic affiliates to develop new ideas on delivering safe, effective and efficient legal services to everyone in the State of Washington, while assisting with public protection from unauthorized delivery of legal services, in support of this State's reputation as a national leader in innovative legal practice. To this end, the POLB works with stakeholders to think strategically, creatively and beyond existing models of dispute resolution and legal service delivery, including assisting licensed legal professionals in integrating new ideas while maintaining effective and successful legal practices.</p> <p>The POLB appointed a liaison to the Access to Justice Board to ensure that the two boards have frequent communication and to prevent duplication of effort. The POLB also works and communicates with the Limited License Legal Technician (LLLT) Board to make sure that we are working together toward our mutual goals.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) The Legal Health Check Up is being tested with user groups and vendor proposals are being reviewed for development of an application. The Board received \$10,000 in funding from the Court for this project in June 2018.	

- 2) The Court published the proposed GR 25 amendments for comment.
- 3) The Board continues to work to determine appropriate changes to GR 24.

2018-2019 Goals:

- 1) Complete and launch the Legal Health Check Up in both paper and web application form.
- 2) Provide a white paper and recommendations to the Court about regulating online legal services providers.
- 3) Continue to consider ways that GR 24 should be amended; discuss these changes with stakeholders and recommend to the Court if appropriate.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) N/A.
- 2) The PLB will likely seek training from the Inclusion and Equity Specialist during 2018-19.
- 3) Diversity is considered when the POLB members are appointed and is considered in every appointment request sent to the Court. This PLB's success in its "blue sky" mission will depend heavily on diversity.
- 4) The Board actively seeks diverse perspectives from Board members and from stakeholders.
- 5) N/A.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The PLB is dedicated to promoting professionalism through its purpose of promoting appropriate and competent legal services and ensuring that the public receives legal services from those dedicated to being ethical, professional, competent and appropriate to the needs of the public.
- 2) N/A
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?

- 1) The POLB has new and young lawyer members and will continue to actively seek new and young lawyer participation.
- 2) The POLB has heard presentations from new and young lawyers.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p>Pro Bono and Public Service Committee</p> <p>Co-chairs: Emily Nelson and Paul Okner</p> <p>Staff Liaison: Joy Williams</p> <p>BOG Liaison: Athan Papailiou</p>	<p>Size of Committee: 18</p> <p>Number of FY19 Applicants: In process</p> <p>FY18 direct expenses: \$2,000</p> <p>FY18 indirect expenses: \$77,968</p>
<p>FY18 Demographics:</p> <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 13:5:0 (1 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 5 (0 did not answer) • Number of members self-identified as having a disability: 0 (0 did not answer) • Number of members self-identified as LGBT: 2 (1 did not answer) 	
<p>Background & Purpose:</p> <p>The Pro Bono and Public Service Committee's (Committee) purpose is to work to enhance a culture of legal service.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The Committee fulfills its purpose by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service, with a particular emphasis on services to low and moderate income people.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <ol style="list-style-type: none"> 1) Developed a model law firm pro bono policy, along with corporate and government model policies, for promulgation throughout the bar membership. 2) Prompted by years of increasing member apathy and an unclear understanding of our purpose, our committee took a hard look at our mission and effectiveness, and how we as an organization can be effective in encouraging pro bono work in our community. This was a difficult process that occupied a large portion of the year. We looked at our past and current projects, and worked hard to develop a clearer sense of what types of work our committee is particularly suited to undertake. We came away from this deep dive with a new framework of subcommittees in the areas of: <ol style="list-style-type: none"> a. Policies / Rules b. Outreach / Promotions c. Programming / CLE d. Data 	

2018-2019 Goals:

We aim to accomplish our goals via subcommittee activity in the following areas:

- 1) Policies / Rules
 - a) Finish model pro bono policies
 - b) Promulgate and promote adoption of the policies in the community
 - c) Rules – investigate and advocate for possible rule changes to encourage pro bono work and effectiveness.
- 2) Outreach / Promotions
 - a) Increase interaction with existing pro bono organizations, such as ATJ
 - b) Establish a system for closer interaction with statewide volunteer legal providers to solicit feedback and potential areas of collaboration
 - c) Implement, when possible, collaborative projects with such providers.
 - d) Use available avenues to promote pro bono work and opportunities for WSBA members
- 3) Programming / CLE
 - a) Call to Duty program
 - i) Establish partnerships with 3 statewide volunteer legal providers to host day of service CLE/clinic events to bring legal services to US military veterans.
 - b) Moderate Means Program
 - i) Work closely with staff to collaborate with the three law schools to promote and encourage participation in the Moderate Means Program.
 - c) Pilot Project for partnerships
 - i) Work with staff on a pilot project to provide grants to Minority Bar Associations for facilitation of legal clinics in distant parts of the state to enhance access to justice.
 - d) CLE – work with staff to create and host one or more legal lunchbox CLEs with an eye toward encouraging pro bono service in the state.
- 4) Data
 - a) Monitor Probonowa.org website and determine if further assistance is required.
- 5) Pro Bono Month
 - a) Work with staff to create CLE, programming, and promotions for pro bono month in October.
- 6) Include regular equity and inclusion focused training at each in-person meeting; facilitated by the WSBA Public Service and Inclusion and Equity Specialist and the WSBA Diversity and Inclusion Specialist who is the liaison to the WSBA Diversity Committee.
- 7) Conduct Public Service/Pro Bono Awareness presentations to the WSBA Diversity Committee at least twice in FY 19; the goal is to increase collaboration and raise awareness in the broader legal community regarding the need for attorneys from underrepresented groups to participate in the area of public service/pro bono.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to

enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Diversity and Public Service Programs Manager provided information on the work of the WSBA Diversity Committee at a Committee meeting. This presentation was intended to be a catalyst for collaboration between the two committees.
- 2) N/A
- 3) The co-chairs worked to solicit input from every committee member regarding next steps in the committee's future.
- 4) We sought out as much participation as possible from the entire group.
- 5) N/A
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) Other?*

- 1) The Committee promoted volunteer opportunities and RPC 6.1, which states that "[a] lawyer should aspire to render at least thirty (30) hours of pro bono publico service per year."
- 2) Not directly, but there's a case to be made that participation in pro bono work helps to increase communication between lawyers, judges and clients, and therefore facilitates better relationships between such parties.
- 3) Yes, in that failure to do pro bono work arguably constitutes unprofessional behavior (see RPC 6.1), and we are encouraging attorneys to avoid this failure.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?*

- 1) Several of our Committee members are new lawyers.
- 2) The Committee promoted the Moderate Means Program which the majority of panel attorneys are new lawyers. The Moderate Means Program provides free referrals and opportunities for mentorship to participating attorneys. The committee also encourages a variety of other pro bono work, which is often open to new lawyers. The committee is planning a CLE that will likely be particularly relevant to young and new lawyers in its exploration of a new practice area, and provide resources in which these practice area skills can be put into use in a pro bono environment.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Washington Young Lawyers Committee Chair: Mike Mocerì Staff Liaison: Ana Selvidge BOG Liaison: Jean Kang	Size of Committee: 18 Number of FY19 Applicants: 14 FY18 direct expenses: \$15,000 FY18 indirect expenses: \$40,668
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:11:0 (2 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 2 (3 did not answer) • Number of members self-identified as having a disability: 0 (2 did not answer) • Number of members self-identified as LGBT: 1 (2 did not answer) 	
Background & Purpose: <p>The Washington Young Lawyers Committee (WYLC) derives its authority from the WSBA Bylaws, WSBA Board of Governors (BOG) Committees and Boards Policy, and WYLC Appointment Policy.</p> <p>The WYLC’s purpose is to support new and young lawyers as they transition into practice; connect new and young lawyers with WSBA programs, services, and activities including pro bono and public service; and be a resource for new and young lawyers through membership outreach and leadership.</p>	
Strategy to Fulfill Purpose: <p>The WYLC prioritizes four key issues facing new and young lawyers, as identified in the November 2014 new lawyer survey and the July 25, 2015, Generative Discussion of the BOG with the WYLC: Employment, Debt, Community, and Leadership. The accomplishments and FY18 goals outlined in this document reflect how the work of the WYLC addresses these four priorities and fulfills the purpose of the WYLC.</p>	
2017–2018 Accomplishments and Work in Progress: Debt <ol style="list-style-type: none"> 1. The WYLC selected volunteers to be part of Practice Management Assistance’s focus group for the member benefit review and to provide feedback on potential practice management discounts. The WYLC will continue to advocate and promote the financial planning resources WSBA currently provides. 2. The WYLC is partnering with the New Member Education team to develop another 	

Financial Planning CLE to be delivered this August. This seminar will be free to anyone within their first five years of practice and will focus on assisting new and young lawyers to manage their student loan debt.

Community

1. Across the state, outreach is vital to connect new and young lawyers with WSBA programs, services, and activities. To accomplish this, the WYLC has:
 - a. Created, planned, and sponsored networking events each time the WYLC held a traveling meeting.
 - b. Attended WSBA events hosted around the state, including Open Sections Night, WSBA Diversity Community Networking Events, and MentorLink Mixers.
 - c. Explored opportunities to connect with county young lawyer divisions and other new and young lawyer communities, and identified opportunities to develop local CLEs that would benefit new and young lawyers.
2. The WYLC is still exploring its purpose statement and what it means to be part of the new and young lawyer community in Washington State. Should the WYLC members see a need for change, they will send a proposal to the BOG.

Leadership

1. American Bar Association Young Lawyers Division (ABA YLD) Representation—The WYLC worked this year to select a recipient for the ABA YLD District Representative (DR). The DR is the eyes, ears, and voice of the ABA YLD District 29, which includes Washington and Oregon, and serves a two-year term. The WYLC selected a current WYLC member to serve as the DR to create a stronger connection between the WYLC/WSBA and the ABA YLD. The WYLC is also administering the scholarship to new and young lawyers who attend ABA meetings as delegates. The WYLC has opened the scholarship and will select two scholarship recipients. Recipients will write a NWSidebar blog post highlighting what they learned from attending the ABA meeting, report back to the WYLC, and provide content to be shared in the WYLC Quarterly Contact emails.
2. Public Service and Leadership Award—to expose new and young lawyers to the value of public service and leadership, the WYLC will award four Public Service and Leadership Awards to new or young lawyers and write an article for the *NWLawyer* highlighting the impact of the each lawyer's work in the community. Applications have closed and selections will take place later on in June.
3. The WYLC participated in the nominations process for filling the BOG At-Large Young Lawyer seat by nominating two candidates for the BOG to review and appoint for a three-year term.

Employment

1. Due to scheduling and funding challenges the Northwest Regional Summit will take place in spring of 2019. The Summit is in partnership with the Oregon Young Members Division and will focus on rural retention, recruitment and retirement.

2018-2019 Goals:

1. ABA YLD Representation—The WYLC will continue to provide the ABA YLD Meeting Scholarships for new and young lawyers attending ABA meetings as delegates. Scholarship recipients will share resources with the nearly 7,000 new and young lawyers in Washington by: (1) writing a NWSidebar blog post highlighting what they learned that is of benefit to new and young lawyers in Washington State, and (2) providing content to the WYLC to be shared in the WYLC Quarterly Contact emails. The WYLC will also work closely with the ABA YLD District Representative and scholarship recipients to identify additional ABA opportunities of value to new and young lawyers.
2. Public Service and Leadership Award—to connect new and young lawyers to the value of public service and leadership, the WYLC will award four Public Service and Leadership Awards to new or young lawyers and write an article for the *NWLawyer* highlighting the impact of the new lawyer's work in the community.
3. Summit—the WYLC will co-host the Northwest Regional Summit in partnership with the Oregon New Lawyers Division in 2019. The WYLC will focus on developing a summit that leads to proposals and recommendations for the region to address concerns of legal professionals in rural communities.
4. Outreach and Communication—it is vital to connect new and young lawyers with WSBA programs, services, and activities. To accomplish this, the WYLC plans to:
 - a. Work on a stronger social media presence by liking, posting, and sharing relevant content and WSBA posts with their new and young lawyer social networks.
 - b. Focus on developing in-person outreach/communications/events/mixers in partnership with WYLC regional representatives and local bar association young lawyer divisions.
 - c. Determine the best way of distributing a calendar of new lawyer regional events for the year to new admittees.
5. Preadmission Education Program (PREP)—work with WSBA staff to support PREP and work with local and minority bar associations to host live PREP programs.
6. Rural Placement Pilot Project—the WYLC will work with staff to connect WYLC regional representatives to fellows, help identify counties to participate in pilot, and provide additional support for this pilot program.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

1. The WYLC received training from the WSBA Inclusion and Equity Specialist in October 2017. Also at that training, WSBA staff presented the results from the Race Equity Impact Analysis Tool and WYLC demographic trends over the years.
2. The WYLC Leadership team used the Race Equity Impact Analysis Tool results to review the WYLC's previous and current make-up to identify which perspectives the WYLC

lacked. The WYLC then used that information during the WYLC nomination process. More specifically, the Leadership team (Chair, Chair-elect, Past Chair, BOG Liaison, and Staff Liaison) identified areas they were not represented and sought out applicants to bring in perspectives from those areas. The WYLC also recognized its geographical diversity representing all parts of Washington State.

3. The WYLC has a collaborative leadership style with key decisions made either by the Leadership team that includes multiple perspectives and members of the WYLC, or by all members of the WYLC. The Leadership team encourages subcommittees to work collaboratively and bring ideas to the entire WYLC for discussion. The WYLC also promotes their meetings beyond WYLC members and encourages other new and young lawyers to attend meetings. When guests attend, the WYLC encourages them to participate in discussion.

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

1. The WYLC regularly invites speakers to educate WYLC members and guests on various topics so that members have the information they need.
2. The WYLC seeks to build and maintain relationships between all new and young lawyers and the legal community. The WYLC hosts outreach events across the state to build relationships with new and young lawyers. Additionally WYLC members attend WSBA events on behalf of their districts and the new and young lawyer community to build relationships with other members of the legal profession.
3. The WYLC is on-boarded to understand WSBA communication norms, values, and conflict resolution expectations. Over the course of the year, the WYLC has continued to discuss the value of following the communication norms and consequences of failing to do so.

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) *How have you brought new and young lawyers into your decision making process?*
- 2) *Has the committee/board 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?*
- 3) *Other?*

1. The WYLC is entirely made up of new and young lawyers.
2. Yes, the WYLC focuses entirely on those four topic areas.
3. N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p><u>WSBA Diversity Committee</u></p> <p>Co-Chairs: Ailene Limric and Alec Stephens</p> <p>Staff Liaison: Dana Barnett</p> <p>BOG Liaison: n/a</p>	<p>Size of Committee: 14</p> <p>Number of FY19 Applicants: 12</p> <p>FY18 direct expenses: \$16,200</p> <p>FY18 indirect expenses: \$130,560</p>
<p>FY18 Demographics: Demographic data represents non-BOG committee members</p> <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 9:5:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 9 (0 did not answer) • Number of members self-identified as having a disability: 1 (1 did not answer) • Number of members self-identified as LGBT: 2 (0 did not answer) 	
<p>Background & Purpose:</p> <p>The Washington State Bar Association’s Diversity Committee (Committee) is dedicated to implementing WSBA’s Diversity and Inclusion Plan. The work of the Committee promotes historically underrepresented groups to enter and stay in the profession of law.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The Diversity Committee fulfills its purpose through collaborative relationships and community building activities which highlight the numerous societal benefits of a diverse law profession.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <ol style="list-style-type: none"> 1) Host a 5-Year Celebration of the Diversity Plan’s Adoption. 2) Host six Community Networking Events throughout Washington state. 3) Assist with the planning and act as mentors at the Experience Exchange in Seattle and Spokane. 4) Collaborate with the Mentorship team and act as mentors for the diversity themed MentorLink mixer. 5) Provide programming and assistance to 1L students diversity fellowship applications at UW and Seattle U Law. 6) Provide mentorship and welcome to the practice of law at the ARC reception. 7) Attend check-in meetings with Minority Bar Organizations. 8) Host and present at the LBAW board meeting in August of 2018. 9) Host and serve as panelists for the Disability and Ableism Beyond the Dialogue 10) Serve as the development team for three diversity themed legal lunchbox CLEs. 11) Develop criteria for the Pro Tem CLE scholarship and select awardees. 12) Publish an article in <i>NWLawyer</i> about non-traditional attorneys. 13) A subcommittee will coordinate and award scholarship grantees for the Judge Pro 	

Tem CLE program.

2018-2019 Goals:

- 1) Committee members take on more leadership in their role as hosts of the Community Networking events.
- 2) All committee members feel equipped to represent the work of the committee and WSBA diversity staff.
- 3) Leadership of the IL program is transferred to upcoming committee members and a process is established for leadership development.
- 4) Committee members are equipped with the knowledge and tools necessary to conduct diversity and inclusion training in the legal profession through participation in train the trainer sessions led by Diversity Program staff.
- 5) Committee members assist with the development of three diversity themed Legal Lunchboxes.
- 6) Committee members participate in several mentorship events with underrepresented law students and new/young members of the bar.
- 7) Increase the opportunities for interaction and collaboration between the WSBA Diversity Committee and MBAs.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Committee utilizes the Diversity Dictionary to be grounded in a common understanding of the terms and values that WSBA holds as it relates to diversity, inclusion, and equity.
- 2) The Inclusion and Equity Specialist presented a diversity training to all Committee members during the orientation. The Committee is staffed by the Diversity Program Manager and the Diversity and Inclusion Specialist, both of whom have educational experience and expertise in diversity topics and lead workshops with committee members throughout the year.
- 3) We have integrated more group discussion and collaboration in decision making, as well as supported committee members with resources, tools and training to be confident ambassadors about the work of diversity and inclusion at WSBA.
- 4) Training, education and awareness building activities on diversity and inclusion are all consistent elements integrated in and throughout our meetings, events and programming.
- 5) All of our programming and work is focused on these goals. We have done programming with first year diversity fellowship students and hosted CLE and town hall discussions on related topics. Committee members have met with minority bar associations to identify any areas of support and collaboration. Committee members have acted as program ambassadors at networking events throughout the state, and mentored attorneys from

underrepresented groups. Committee members are currently working on articles and blogs to highlight these issues.

6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) Other?*

- 1) The Committee integrates and connects a focus on professionalism throughout its programming. The substantive content of workshops, seminars, etc. provide interpersonal and organizational skills necessary to support the professional development of attorneys.
- 2) The Committee seeks to educate the legal community on diversity issues through legal lunchboxes and town halls, and to build strong networks of trust, mentorship, and positive relationships throughout the state with our Community Networking events.
- 3) The Committee raises awareness of the consequences of unprofessional behavior that are rooted in personal bias and systemic inequity.
- 4) Committee members mentor new attorneys and advise on issues of professionalism.

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process?*
- 2) Has the committee/board 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?*
- 3) Other?*

- 1) We have new and young lawyers on our committee.
- 2) Our Experience Exchange programming is focused on mentorship of new and young lawyers from underrepresented groups.
- 3) We offer WYLC members the opportunity to partner on our community networking events and to speak publicly to represent the committee.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p><u>WSBA Legislative Review Committee</u></p> <p>Chair: Kyle Sciuchetti</p> <p>Staff Liaison: Sanjay Walvekar</p> <p>BOG Liaison: Chris Meserve</p>	<p>Size of Committee: 9</p> <p>Number of FY19 Applicants: 14</p> <p>FY18 direct expenses: \$2,500</p> <p>FY18 indirect expenses: \$11,244</p>
<p>FY18 Demographics: Not available due to transition in committee size and structure</p>	
<p>Background & Purpose: The WSBA Legislative Review Committee (Committee) reviews internal legislative proposals before making a recommendation for sponsorship or support to the Board of Governors (BOG). The Committee's primary purpose is to ensure that WSBA-request legislation fulfills GR12 and is vetted both internally and externally. The Committee may also consider non-WSBA proposals submitted to the Committee for the purpose of seeking WSBA input and support. WSBA-request bills approved by the Board are introduced in the upcoming legislative session.</p>	
<p>Strategy to Fulfill Purpose: The Committee determines if a legislative proposal fulfills GR 12.1. If the Committee determines a legislative proposal fulfills GR 12.1, the Committee conducts a thorough analysis of the issue, discusses details with the WSBA entity offering the proposal, and ensures input is included from a broad stakeholder network.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <ol style="list-style-type: none"> 1) The WSBA Legislative Affairs team worked with WSBA entities on proposed legislation for the 2018 session. 2) The Committee received details on one legislative proposal. 3) The Committee vetted the legislative proposal and determined that it fulfilled GR 12.1 requirements. The Committee conducted a thorough analysis of the issue and discussed details with representatives of the Business Law Section's Corporate Act Revision Committee. 4) The Committee sponsored the legislative proposal which ultimately reached final passage and was signed into law by the Governor during the 2018 legislative session. 	
<p>2018-2019 Goals: The Committee will continue to work collaboratively with WSBA entities to thoroughly vet and analyze legislative proposals impacting the practice of law and our justice system.</p>	
<p>Please report how this committee/board is addressing diversity: <i>1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a</i></p>	

culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) N/A
- 2) Yes, in past years. The Inclusion and Equity Specialist will lead Committee members in a discussion and training regarding WSBA inclusion and equity policies and procedures during the Committee's fall 2018 meetings.
- 3) Committee appointments follow WSBA's diversity guidelines and the Committee includes representatives from multiple districts, a variety of practice areas, new/young lawyers, gender, race/ethnicity and other factors.
- 4) Please see 3, above.
- 5) N/A
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) Other?*

- 1) The Committee practices a team-based approach in executing its charge: proposals are created in collaboration with various WSBA entities and external stakeholders throughout the broader legal community. In addition to the Committee playing a critical role within the organization, individual members also play a critical role in reviewing legislative proposals from their own unique perspective, area of practice, professional experience, and knowledge of the legislative process (including key legislative stakeholders). Professionalism is a cornerstone of relationship building and ultimately legislative success.
- 2) The work of the Committee is grounded in relationship building, similar to Washington's Legislature. The Committee continues to promote professionalism through various communication mechanisms including its annual fall meetings and member training opportunities.
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board 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? 3) Other?*

- 1) There are several new and young lawyers on the committee who have an equal say in the vetting process (e.g., voting).
- 2) With a changing profession and evolving legislative dynamics, the Committee recognizes the critical role new/young lawyers play in the long-term success of the Bar and WSBA's

legislative agenda. The Committee strives for institutional knowledge to be passed from longer-serving committee members to new members such as new/young lawyers. The knowledge shared is not only related to legislative and public policy issues, but also information related to the profession itself.

3) N/A

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: July 17, 2018
RE: Addition of New Governors Work Group

UPDATE: Addition of New Governors Work Group

Attached please find the Addition of New Governors Work Group Roster along with the agenda for the Work Group's first meeting that was held on July 12, 2017. The Work Group will meet again in August and in September, and will submit its recommendations to the Board at the September 27-28, 2018, Board meeting.

WASHINGTON STATE BAR ASSOCIATION

Addition of New Governors Work Group (revised 7/18/2018)

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. 13036 SE Kent Kangley Road 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)
PAGE, Bryan L. Carmichael Clark, P.S. 1700 D St Bellingham, WA 98225-3101	WSBA Member At-Large	BPage@CarmichaelClark.com (360) 647-1500 (o) (360) 647-1501 (f)

WASHINGTON STATE BAR ASSOCIATION

Addition of New Governors Work Group (revised 7/18/2018)

NAME/ADDRESS	POSITION	TELEPHONE/E-MAIL
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ELLIS, Brian M. Amazon.com 2201 Westlake Ave. Suite 500 Seattle, WA 98121-2770	WSBA Member At-Large	beellis@amazon.com (206) 435-9586
GOLDEN, Robert Frontier Title & Escrow Inc 117 W Astor Ave Colville, WA 99114-2403	Limited Practice Officer	bob@frontiertitle.biz (509) 685-9203
MENKENS, Wyomia Stewart Title 188 106th Ave NE Ste 680 Bellevue, WA 98004-5467	Limited Practice Officer	wclifton@stewart.com (206) 770-1300
KARMY, Jill Karmy Law Office PLLC 2 S 56th Pl Ste 207 Ridgefield, WA 98642-3427	Former Board Members/Leaders	jillkarmy@karmylaw.com (360) 887-6910
JARMON, Andrea Jarmon Law Group, PLLC 1113 A Street, Suite 203 Tacoma, WA 98402	Former Board Members/Leaders	andrea@jarmonlawgroup.com (253) 292-0248 (o) (253) 292-6562 (f)
COTTON, Jean A. Cotton Law Offices 507 W Waldrip St PO Box 1311 Elma, WA 98541-1311	Family Law Section Member	walawj99@yahoo.com (360) 482-6100 (o) (360) 482-6002 (f)
SHERMAN, Samantha Samantha N. Sherman, Legal Technician 2601 4th Ave Ste 470 Seattle, WA 98121-3201	Limited License Legal Technician	sslegaltech@gmail.com (206) 718-0563 (o) (206) 622-6636 (f)
OLDFIELD, Ron 4717 NE 50 th Street Seattle, WA 98105	Public Representative	Ron.oldfield@me.com (206) 954-8646

WASHINGTON STATE BAR ASSOCIATION

Addition of New Governors Work Group (revised 7/18/2018)

NAME/ADDRESS	POSITION	TELEPHONE/E-MAIL
BENNION, Julie International Trade Manager Life Science & Global Health Washington Department of Commerce 1011 Plum St SE Olympia, WA 98504	Public Representative	juliebennion@gmail.com (206) 228-5227
HIGGINSON, Carla Higginson Beyer, P.S. 175 2nd St N Friday Harbor, WA 98250-7949	Real Property Probate & Trust Section Member	carla@higginsonbeyer.com (360) 378-2185 (o) (360) 378-3935 (f)
McELROY, Jean WSBA 1325 4 th Avenue, Suite 600 Seattle, WA 98101	Staff Liaison	jeanm@wsba.org (206) 727-8277 (o) (206) 727-8313 (f)
NEUMANN, Darlene WSBA 1325 4th Avenue, Suite 600 Seattle, WA 98101	Staff Support	darlenen@wsba.org (206) 733-5923 (o) (206) 727-8314 (f)

The Addition of New Governors Work Group was approved by the Board of Governors on May 17-18, 2018.

ADDITION OF NEW GOVERNORS WORK GROUP

AGENDA FOR INITIAL MEETING—JULY 12, 2018

1. Welcome & Introductions (Go around the list for all who are present and their representative capacity).
2. Review the Charter of the Work Group:
 - Prepare a report for the BOG on (a) The history of the original by-law amendment to enlarge the Board of Governors by three including the impetus for the amendments, (b) other proposals considered, (c) the process by which WSBA members were informed of the enlargement including the amount of notice between providing the final language, first read, and adoption, and (d) the comments both for and against their adoption provided to WSBA.
 - Prepare for the BOG a report on the merits or disadvantages of adopting the proposed amendments to eliminate the three new Governorships. The workgroup is tasked to identify those issues, research them as it determines is needed, and formulate a report to the Board on them.
 - The identification of the issues above does not limit what the workgroup may report to the Board on including but not limited to any suggestions for other options on this issue.
3. Set Schedule for the Workgroup Meetings to present report for BOG Meetings on September 27 & 28.
4. Identify Tasks to be completed for next meeting.
5. Confirm next meeting date and time and Adjourn.

MEMO

To: Board of Governors

From: Governor Christina Meserve

Date: July 12, 2018

Re: Proposed change to WSBA Bylaw Article IV(D)(3)

FIRST READING: Proposed WSBA Bylaw Amendment regarding endorsing candidates for the Board of Governors.

Enclosed are two options for an amendment to WSBA Bylaw Article IV(D)(3) for consideration and first reading at the July 27-28, 2018, Board meeting.

WSBA Bylaw Article IV(D)(3) currently prohibits Governors, other officers, and the Executive Director from publicly supporting or opposing candidates in an election for public office in the State of Washington if being an attorney is a prerequisite for office with an exception for immediate family members. The proposed amendment would extend the prohibition on publicly supporting or opposing a candidate to any position on the Board of Governors.

Enclosures

- Proposed Option A
- Proposed Option B



Proposed Bylaw Amendment to **Art. IV (D)(3)** (from pp. 32-33 of current Bylaws, May 18, 2018 ed.)

IV. GOVERNANCE

....

D. POLITICAL ACTIVITY

1. Board of Governors

- a. The BOG acting as a board must not publicly support or oppose, in any election, any candidate for public office.
- b. The BOG acting as a board must not take a side or position publicly or authorize any officer or the Executive Director to take a side or position publicly on any issue being submitted to the voters or pending before the legislature, unless the matter is considered in public session at a meeting of the BOG with advance notice to the Bar's membership, and the following requirements are met:
 - 1) The BOG first votes to determine whether the issue is within the scope of GR 12.1; and
 - 2) If the BOG determines that the matter is within the scope of GR 12.1, then the BOG will vote to determine what position, if any, to adopt on the issue.
- c. The restriction applies fully to prohibit:
 - 1) the use of the name or logo of the Bar;
 - 2) the contribution of funds, facility use, or Bar staff time;
 - 3) participation or support to any degree in the candidate's campaign, or the campaign on either side of the issue.
- d. The restriction does not apply to matters that are exclusively related to the administration of the Bar's functions or to any issue put to a vote of the Bar's membership.

Notice of any BOG position or authorization to the President or Executive Director to take a position must be published on the Bar's website as soon as possible after the meeting at which the final action is taken.

2. President and President-elect

The President and President-elect must not publicly support or oppose, in an election, any candidate for public office. This restriction applies fully to prohibit:

VERSION A (Redline)

- a. the use of the President's and President-elect's name,
- b. the contribution of funds, or
- c. participation or support to any degree in the candidate's campaign.

Further, the President and President-elect must not take a side publicly on any issue being submitted to the voters, pending before the legislature or otherwise in the public domain except when specifically authorized or instructed by the BOG to do so on a matter relating to the function or purposes of the Bar.

3. Governors, other Officers, and Executive Director

Governors, other officers, and the Executive Director must not publicly support or oppose, in an election, any candidate for public elective office in the State of Washington the prerequisites for which include being an attorney, or any position on the Board of Governors, except where the candidate is a member of that person's immediate family. This restriction applies fully to prohibit:

- a. the use of the Governor's, officer's, or Executive Director's name,
- b. the contribution of funds, or
- c. participation or support to any degree in the candidate's campaign.

The term "immediate family" as used in this Article includes a sibling, parent, spouse, domestic partner, child and the child of a spouse or domestic partner.

4. Other

If any officer, Governor, or the Executive Director supports or opposes any candidate or issue as permitted in this Article, then that person must not state or imply that he or she is acting in his or her capacity as officer, Governor or Executive Director of the Bar unless specifically authorized to do so by the BOG.

5. Letterhead

Use of Bar letterhead is limited to official business of the Bar and specifically must not be used for personal or charitable purposes, or in connection with any political campaign or to support or oppose any political candidate. Bar letterhead must not be used to support or oppose any public issue unless the BOG has taken a position on the issue.

Proposed Bylaw Amendment to **Art. IV (D)(3)** (from pp. 32-33 of current Bylaws, May 18, 2018 ed.)

IV. GOVERNANCE

....

D. POLITICAL ACTIVITY

1. Board of Governors

- a. The BOG acting as a board must not publicly support or oppose, in any election, any candidate for public office.
- b. The BOG acting as a board must not take a side or position publicly or authorize any officer or the Executive Director to take a side or position publicly on any issue being submitted to the voters or pending before the legislature, unless the matter is considered in public session at a meeting of the BOG with advance notice to the Bar's membership, and the following requirements are met:
 - 1) The BOG first votes to determine whether the issue is within the scope of GR 12.1; and
 - 2) If the BOG determines that the matter is within the scope of GR 12.1, then the BOG will vote to determine what position, if any, to adopt on the issue.
- c. The restriction applies fully to prohibit:
 - 1) the use of the name or logo of the Bar;
 - 2) the contribution of funds, facility use, or Bar staff time;
 - 3) participation or support to any degree in the candidate's campaign, or the campaign on either side of the issue.
- d. The restriction does not apply to matters that are exclusively related to the administration of the Bar's functions or to any issue put to a vote of the Bar's membership.

Notice of any BOG position or authorization to the President or Executive Director to take a position must be published on the Bar's website as soon as possible after the meeting at which the final action is taken.

2. President and President-elect

The President and President-elect must not publicly support or oppose, in an election, any candidate for public office. This restriction applies fully to prohibit:

VERSION B (Redline)

- a. the use of the President's and President-elect's name,
- b. the contribution of funds, or
- c. participation or support to any degree in the candidate's campaign.

Further, the President and President-elect must not take a side publicly on any issue being submitted to the voters, pending before the legislature or otherwise in the public domain except when specifically authorized or instructed by the BOG to do so on a matter relating to the function or purposes of the Bar.

3. Governors, other Officers, and Executive Director

- a. Governors, other officers, and the Executive Director must not publicly support or oppose, in an election, any candidate for public elective office in the State of Washington the prerequisites for which include being an attorney, except where the candidate is a member of that person's immediate family. This restriction applies fully to prohibit:

- ~~a.~~ 1) the use of the Governor's, officer's, or Executive Director's name,

- ~~b.~~ 2) he contribution of funds, or

- ~~c.~~ 3) participation or support to any degree in the candidate's campaign.

The term "immediate family" as used in this Article includes a sibling, parent, spouse, domestic partner, child and the child of a spouse or domestic partner.

b. Governors, other officers, and the Executive Director must not publicly support or oppose candidates for membership on the Board of Governors.

4. Other

If any officer, Governor, or the Executive Director supports or opposes any candidate or issue as permitted in this Article, then that person must not state or imply that he or she is acting in his or her capacity as officer, Governor or Executive Director of the Bar unless specifically authorized to do so by the BOG.

5. Letterhead

Use of Bar letterhead is limited to official business of the Bar and specifically must not be used for personal or charitable purposes, or in connection with any political campaign or to support or oppose any political candidate. Bar letterhead must not be used to support or oppose any public issue unless the BOG has taken a position on the issue.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: WSBA Board of Governors

From: President-Elect Rajeev Majumdar and Sara Niegowski, WSBA Chief Communications and Outreach Officer

Date: July 12, 2018

Re: Member Engagement Work Group Charter and Roster

<p><u>ACTION:</u> Approve the Member Engagement Work Group Charter and Roster</p>
--

Attached please find the proposed Member Engagement Work Group Charter and Roster for the Board's consideration and approval. This work group was approved for creation by the Board at its May 2018 meeting.

WASHINGTON STATE BAR ASSOCIATION

Member Engagement Work Group CHARTER

(Adopted by the WSBA Board of Governors on July 27, 2018)

Background

The WSBA must rely on member involvement, feedback, and expertise to operate and meet its mission; as such, the Board of Governors must continually interface with members to create mutual understanding, drive priorities, form relationships, and share involvement opportunities. Governors would like a reliable way to gauge member engagement and sentiment and to continually improve WSBA's reputation and the reputation of the board.

Work Group Purpose

The work group shall create a written plan and best practices for governors to:

- Educate members in a proactive manner about WSBA's and the Board of Governors' actions and work.
- Involve members in the decision-making process by informing them and asking for input on a regular basis.
- Involve members in a positive manner with WSBA governance.
- Involve governors on a one-on-one, relationship-building basis with individuals who contact WSBA with concerns or feedback.
- Ensure ongoing updates to the Board of Governors about WSBA member-engagement processes and measurement.

As part of the plan, work-group members shall:

- Define "member engagement" and its role in the board's governance process; this may include outreach to other mandatory/unified bar associations to determine how they engage members and for what purposes.
- Create an agreement—with norms, values, and responsibilities—for how governors will represent themselves, WSBA, and their fellow governors while conducting official outreach to members and the public.
- Identify which board processes and decisions most need member input for the coming year and propose coordinated outreach efforts.
- Determine how board member-engagement efforts and goals should dovetail with WSBA member-engagement efforts and goals already underway.

Timeline

The work group shall begin meeting no more than six weeks after appointments are completed, and shall submit its report not later than the October Board of Governors meeting, unless the board agrees to extend this timeline.

Work Group Membership

The work group shall consist of the following voting members:

- A governor who shall serve as chair
- A first-, second-, and third-year governor (based on 2018-19)
- An at-large governor
- A WSBA officer

The Executive Director will designate a WSBA staff liaison. In accordance with WSBA Bylaws Art. IX(B)(2)(e) and (f), the members and the chair of the work group will be appointed by the WSBA President subject to being accepted or rejected by the board.

WASHINGTON STATE BAR ASSOCIATION

Member Engagement Work Group

PROPOSED ROSTER

- A governor who shall serve as chair:
 - **Dan Clark**
- A first-, second-, and third-year governor (based on 2018-19)
 - **Mike Cherry**
 - **Paul Swegle**
 - **Carla Higginson**
- An at-large governor
 - **Russell Knight**
- A WSBA officer
 - **Rajeev Majumdar**

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

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: July 17, 2018
RE: Referendum Process Review Work Group Preliminary Report

DISCUSSION: Continued discussion of Referendum Process Review Work Group Recommendations.

Attached please find the materials from the January 18-19, 2018, March 8, 2018, and May 17-18, 2018, Board meetings, including majority and minority reports, for continued discussion of the recommendations from the Referendum Process Review Work Group in order to ascertain next steps.

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past President and
The Board of Governors

From: Kim Risenmay, Work Group Chair

Date: January 15, 2018

Re: Preliminary Report -- Referendum Review and Revisions Work Group

Recommended Action: Amend certain portions of Article III and Article VIII of the WSBA Bylaws that pertain to the referendum process in order to conform with Washington Supreme Court amendments to GR 12 and to utilize current communications technology.

1. Events Leading to the Creation of the Work Group.

The Board of Governors (BOG) of the Washington State Bar Association (WSBA) completed a review and update of WSBA Bylaws at the September 2016 and January 2017 BOG meetings. On several occasions during that process the BOG discussed but intentionally did not attempt to revisit the referendum provisions in WSBA's Bylaws. This was due to concerns that such a review would fall outside the directions the BOG had given in its charter to the Bylaws Review Work Group.

During its May 18 & 9, 2017 meeting, the BOG formally approved creation of a Referendum Process Review Work Group (the "Work Group") and delegated nomination of Work Group members to the WSBA President. The Work Group's Charter is attached to this report as Attachment A. The final roster of work group members was published on page 439 of the Public Session Materials for the September 28 & 29, 2017 BOG meeting, and the membership of this Work Group complied with the BOG's stated intent to have all viewpoints present and actively participating in the referendum process review. A copy of the Work Group Roster is attached as Attachment B. For your reference, Attachment C contains the pertinent language of WSBA's current Bylaws that pertain to the referendum subject. A November 3, 2017, NWSideBar Blog invited member feedback. See Attachment D.

2. Work Group Actions to Date.

During the months of October, November and December 2017, the Work Group held a total of seven (7) meetings, either in person or via telephone. At these meetings, the Work Group considered the following topics as they pertain to the WSBA referendum process:

- (1) Scope. The types of matters potentially subject to a referendum;
- (2) Petition Signing: In light of current technology, determining what constitutes the signature of a WSBA member and determining acceptable alternative methods for signing a referendum petition;

- (3) Signature Gathering & Verification Processes: In light of current technology, determining acceptable alternative processes that petition sponsors may use to gather the signatures of WSBA members on a referendum petition, together with the process whereby WSBA verifies those signatures;
- (4) Signature Threshold for Valid Petitions: In light of current technology and communication methods, what the threshold number of signatures necessary to make a referendum petition valid should be; and
- (5) Referendum Voting Methods & Thresholds: Alternative methods for (a) conducting a vote on a referendum, (b) validating the votes cast for and against the referendum, and (c) whether some required minimum number of total votes should be necessary before a referendum can take effect.

To date, the Work Group has formulated four proposed recommendations for the BOG to consider. Each of these proposals is discussed in more detail below; and in Attachment E, we have included both a Majority Report, explaining the reasons in favor of a particular recommendation, as well as a Minority Report, explaining the reasons why a particular recommendation might not be appropriate. We recommend that these proposals and their accompanying Majority and Minority Reports be published to the entire WSBA membership for its review, and to allow for and solicit additional membership comments and suggestions on these matters prior to any final BOG action.

3. Discussion of Individual Recommendations.

Recommendation 1, License Fees: Majority of the Work Group recommends that license fees should no longer be subject to the referendum process. If the BOG were to agree with this recommendation, the Work Group recommends the following amendments to WSBA's Bylaws:

III. MEMBERSHIP

I. ANNUAL LICENSE FEES AND ASSESSMENTS

1. License Fees

Unless established otherwise pursuant to the APR or by order of the Washington Supreme Court, the following provisions apply to member license fees.

* * *

6. License Fee Referendum.

~~Once approved by the BOG, license fees shall be subject to the same referendum process as other BOG actions, but may not be modified or reduced as part of a referendum on the Bar's budget. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.~~

The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication. Under GR 12, 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 the fee is not reasonable. Therefore, license fees are

not subject to a referendum, nor may the license fees be modified or reduced as part of a referendum on the Bar's budget.

VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA.

1. The Board of Governors sets policy for the Bar. Except for license fees, ~~The~~ membership, through a referendum, has the opportunity to effect policy set by the BOG. Membership referenda may accomplish the following:
 - a. Reverse a final action taken by the Board of Governors;
 - b. Modify a final action taken by the Board of Governors;
 - c. Enact a resolution; or
 - d. Amend these bylaws.

Potential reasons why the BOG might choose to **not** adopt these proposed changes are set forth in the Minority Report.

Recommendation 2, Propose a New Action to the Board of Governors: Article VIII(A)(1)(c) of WSBA's current Bylaws states that the membership may "enact a resolution" through the referendum process. This language is confusing because it does not explain what the effect of such a resolution would be. The Work Group reviewed earlier versions of the WSBA Bylaws from 1987 and 1989 and learned that this phrase referred to action that WSBA members could take during the WSBA annual meeting, which was formerly held one time each year. Via resolutions, the members present during the annual meeting could propose actions for the BOG to consider. Any such resolution was first forwarded to a Resolutions Committee, which vetted the proposal to determine whether it had merit to warrant the full BOG's consideration; and if the Resolutions Committee felt the proposal had merit, the proposal was then placed on the BOG's agenda. In order to clear up this confusion, in a nearly unanimous vote the Work Group recommended amending this provision to read as follows:

VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA.

1. The Board of Governors sets policy for the Bar. The membership, through a referendum, has the opportunity to effect policy set by the BOG. Membership referenda may accomplish the following:
 - a. Reverse a final action taken by the Board of Governors;
 - b. Modify a final action taken by the Board of Governors;
 - c. Propose a new action to the Board of Governors~~Enact a resolution;~~ or
 - d. Amend these bylaws.

Reasons for adopting this proposal are set forth in the Majority Report. No Minority Report was prepared in opposition to this proposal.

Recommendation 3, Amending Bylaws. Article VIII(A)II)(d) states that, through the referendum process, the membership may “Amend these bylaws.” The Work Group considered the fact that such an action would not be a true referendum but, instead, would be constitute action through an initiative. A motion was made to delete this subsection; but a majority of the Work Group rejected that proposal. The reasons for rejecting this motion are set forth in the Majority Report. The Minority Report provides the arguments in favor of eliminating the membership’s power to amend WSBA’s Bylaws.

Recommendation 4, Petition Filing Deadline. Currently, Article VIII(A)(2)(e) allows a referendum petition to be filed within 90 days following any action taken by the BOG. But previously, as evidenced by the Bylaws in effect in 1987 and 1989, the membership had been given a 45 day deadline to collect signatures and file referenda petitions. Given the state of modern technology, which allows (1) electronic dissemination of information, and (2) the gathering of electronic signatures for referendum petitions, a majority of the Work Group approved a motion to recommend the following amendment to the Bylaws:

VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA.

* * *

2. Any Active member may file a petition for a referendum. All petitions must meet the following requirements:
 - a. The petition must set forth the exact language of the proposed resolution, bylaw amendment, or modification/reversal of the BOG action.
 - b. The petition must be signed by at least five percent of the Active membership of the Bar at the time the petition is filed.
 - c. The petition must comply with GR 12. The BOG will determine within 30 days of the filing of a for a referendum if the subject of the petition falls within the requirements of GR 12.
 - d. If the subject of the petition seeks to reverse or modify final action taken by the Board of Governors, then the petition must be filed with the Executive Director within ~~30~~90 days of that final action.
 - e. All petitions for a referendum must be filed with the WSBA Executive Director.

Reasons for adopting this proposal are set forth in the Majority Report. Arguments opposing this proposal are set forth in the Minority Report.

Other Matters for Consideration: There are a number of issues that the Work Group has not proposed amending, which might warrant further consideration. These include the following topics:

1. Whether physical signatures are required on a referendum petition, or whether some electronic form of signature is sufficient.
2. Should the threshold number of signatures be changed from the current requirement for 5% of the Active WSBA membership?

3. Should there be some minimum number of Active member participate required for a vote on a referendum to take effect? Currently, there is no required minimum participation for the vote; but in earlier years the Bylaws had this requirement. For example, in the Bylaws in effect in 1989 at least 50% of the entire membership had to participate in the final vote for any referendum to be effective.

**REFEREUNDUM PROCESS REVIEW
WORK GROUP REPORT
ATTACHMENT A**



REFERENDUM PROCESS REVIEW WORK GROUP

(Adopted by the WSBA Board of Governors on May 19, 2017)

CHARTER

Background

The Washington State Bar Association (WSBA) Bylaws contain provisions permitting the membership to file petitions to have a vote of the membership on certain actions taken by the Board of Governors (BOG). Over the course of 2016, a Bylaws Review Work Group drafted amendments to many of the WSBA Bylaws, the last of which were adopted at the BOG meeting in January of 2017. The Bylaws Review Work Group, however, did not review the WSBA Bylaw provisions regarding membership referenda due to concern that the topic may have been outside the scope of the directions from the BOG to the Bylaws Review Work Group. Members of the BOG, however, requested that a separate work group be established to undertake this review, including the receipt of member input, and to suggest any amendments to the WSBA Bylaw provisions determined to be appropriate.

Task Force Purpose

1. Identify all WSBA Bylaws provisions regarding member referenda to determine the purpose of those provisions and whether the provisions continue to be appropriate for the WSBA.
2. Review materials from other mandatory/unified Bar Associations to determine whether other organizations similar to the WSBA have referendum provisions, and review the topics subject to member referenda and the processes used for member referenda in those Bar Associations that do provide for member referenda.
3. Review relevant materials from other sources regarding appropriate topics, uses and processes for referenda, and consider whether and how that information is relevant to the WSBA and its functions.
4. Consider oral presentations or written materials regarding good governance for organizations and agencies, and budgeting for organizations and agencies with similar-sized budgets and funding sources.
5. Draft suggested amendments to WSBA Bylaws regarding the WSBA referendum provisions, if considered appropriate.
6. Solicit and collect input from WSBA members and others regarding the use of member referenda, including appropriate topics and processes for referenda, both before and after drafts of any suggested amendments are prepared, and regarding any suggested amendments.
7. After considering relevant materials and input, draft and submit to the BOG any final recommendations for amendments to WSBA Bylaws regarding member referenda.

Timeline

The workgroup shall begin meeting no more than six weeks after appointments are completed, and shall complete its review and submit its report not later than the January 2018 BOG meeting, unless the BOG agrees to extend this timeline.

Workgroup Membership

The workgroup shall consist of the following voting membership:

- Four current BOG members, one of whom shall be appointed to serve as Chair;
- Three former members or officers of the BOG;
- Four at-large members of the WSBA;
- If available and willing to serve, one member of the Washington Supreme Court;
- The Executive Director or General Counsel of the WSBA, or a designee from WSBA staff.

In accordance with WSBA Bylaws Art. IX.B.2.a. and b., the members and the Chair of the workgroup will be appointed by the WSBA President subject to being accepted or rejected by the BOG. Such appointment and approval shall be completed by no later than the BOG's July 2017 meeting.

**REFEREUNDUM PROCESS REVIEW
WORK GROUP REPORT
ATTACHMENT B**



REFERENDUM PROCESS REVIEW WORK GROUP

Current BOG Members:

Kim Risenmay (chair)
Rajeev Mujumdar
Bill Pickett
Athan Papailiou

Former BOG Members:

Michele Radosevich
Marc Silverman
Brian Kelley

At large WSBA Members:

Jean Cotton
Ed Van Hiskes
Jennifer Hanson
Krista Van Amerongen

WSBA Staff:

Sean Davis

**REFEREUNDUM PROCESS REVIEW
WORK GROUP REPORT
ATTACHMENT C**

**Pertinent Language of WSBA's Current Bylaws that
Pertain to the Referendum Process**

III. MEMBERSHIP

I. ANNUAL LICENSE FEES AND ASSESSMENTS

1. License Fees

Unless established otherwise pursuant to the APR or by order of the Washington Supreme Court, the following provisions apply to member license fees.

* * *

6. License Fee Referendum.

Once approved by the BOG, license fees shall be subject to the same referendum process as other BOG actions, but may not be modified or reduced as part of a referendum on the Bar's budget. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.

VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA.

1. The Board of Governors sets policy for the Bar. The membership, through a referendum, has the opportunity to effect policy set by the BOG. Membership referenda may accomplish the following:

- a. Reverse a final action taken by the Board of Governors;
- b. Modify a final action taken by the Board of Governors;
- c. Enact a resolution; or
- d. Amend these bylaws.

2. Any Active member may file a petition for a referendum. All petitions must meet the following requirements:

- a. The petition must set forth the exact language of the proposed resolution, bylaw amendment, or modification/reversal of the BOG action.
- b. The petition must be signed by at least five percent of the Active membership of the Bar at the time the petition is filed.
- c. The petition must comply with CR 12. The BOG will determine within 30 days of the filing of a petition for a referendum, if the subject of the petition falls within the requirements of GR 12.

- d. If the subject of the petition seeks to reverse or modify final action taken by the Board of Governors, then the petition must be filed with the Executive Director within 90 days of that final action.
 - e. All petitions for a referendum must be filed with the WSBA Executive Director.
- 3. All qualifying petitions will be put to a vote of the active membership within 90 days of the date that the petition was filed.

B. BOG REFERRALS TO MEMBERSHIP

The Board of Governors may also refer a proposed resolution, bylaw amendment, or other proposal to a vote of the Active membership in accordance with the procedures set forth in these bylaws.

C. BALLOT PREPARATION

The Executive Director shall prepare ballots as directed by the BOG. The proponents of the action may submit, for inclusion with the ballot a "statement for" not to exceed 750 word and a "rebuttal of statement against" not to exceed 250 words. The opponents of the action may submit, for inclusion with the ballot, a "statement against" not to exceed 750 words and a "rebuttal of statement for" not to exceed 250 words. The Executive Director will determine the deadlines for filing all such statements with the Bar and provide notice of those deadlines. If more than one opponent statement is submitted, the WSBA President will determine which statement(s) will be submitted with the ballot.

D. VOTING PROCEDURES

The procedures set forth in the "Election of Governors from Congressional Districts" section of these bylaws shall be used as a procedural guideline. The ballot, petition, and accompanying statements shall be posted on the WSBA website, distributed electronically to Active members with e-mail addresses on records with the Bar, and mailed to all other Active members. The deadline for return of ballots shall be not less than 30 days from the date of distribution.

E. EFFECT OF VOTE

- 1. All member referenda and BOG referrals only require a majority of those Active members voting to pass. No unsuccessful member referenda may be resubmitted to the membership until two years have passed from the date of the voting results.
- 2. The BOG may not alter the effects of a member referenda that passed sooner than two years from the date of the voting results.

**REFERENDUM PROCESS REVIEW
WORK GROUP REPORT
ATTACHMENT D**



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November 3, 2017

2

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Referendum Process Review Work Group Needs Your Input



The referendum provision in the WSBA Bylaws is an important one — It allows for a vote of the membership on certain actions taken by the Board of Governors. Currently, a member referendum may reverse a final Board action, modify a final Board action, enact a resolution, or amend the WSBA Bylaws.

Because of its critical and nuanced nature, the referendum provision was carved out of the scope of work given to a Bylaws Review Work Group in 2016; instead, the Board of Governors created a separate Referendum Process Review Work Group in May 2017 to specifically tackle this topic.

The group's work is just getting underway. Members — including four Board of Governor members, four at-large WSBA members, and three former Board of Governor members — are tasked with reviewing the current referendum process and drafting suggested amendments for Board consideration by January 2018. Appropriately enough, one of the work group's primary responsibilities is soliciting and collecting as much input as possible from WSBA members to provide input for their recommendation.

Toward that end, please email sherryt@wsba.org with your thoughts, ideas, and concerns about the WSBA referendum provision and process.

Learn more:

[Referendum Process Review Work Group Charter](#)
[Referendum Process Review Work Group Roster](#)

About the Author



Sara Niegowski. Sara is Chief Communications and Outreach Officer at the WSBA, leading a team dedicated to connecting with and responding to YOU! She's worked in newspapers and K-12 education. She believes the legal profession is one of the most important foundations to our society, it's okay to eat pizza for breakfast, and the zipper-merge needs to be embraced by all drivers. Reach her at saran@wsba.org.

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<http://ow.ly/JK6c30gQlHa>





Inez Petersen
November 3, 2017

I ask readers to weigh the above post against this email I received from Brad Furlong. If Brad Furlong stated, "I HAVE NO PLANS TO REOPEN THE BUDGET OR THE LICENSING FEE," which are tied to the referendum process, then what will be the value-added result of this group? More rights or less rights? What is the WSBA afraid of by honoring the Bylaws by holding a vote on the dues increase?

From: Brad Furlong
Date: Sat, Oct 14, 2017 at 7:41 AM
Subject: Re: I hope you do not feel misled
To: Inez Ine Petersen
Cc: Paula Littlewood , "G. Kim Risenmay"

Ms. Peterson: We feel it is important that our communications are complete, accurate and uniform so as to not misinform our members. That's why we start with a base message. the governors then add their own thoughts. I did not add any due to lack of time as I was heading out on a family vacation. I encourage the governors to engage with attorneys frequently.

I have no plans to reopen the budget or the licensing fee. I do plan to see to it that our fees are are spent efficiently on regulatory activities mandated by the Supreme Court and on services that benefit our members.

if you have concerns about the WSBA budget, please feel free to attend the meetings of our Budget and Audit Committee to learn how and why the WSBA budget is constructed as it is and to contribute your thoughts. if you wish, I can ask someone to let you know when the committee next meets so that you can attend.

Best wishes,

Brad Furlong
Sent from Mobile Device

11/03/17



Edward Hiskes
November 4, 2017

I attended the first meeting of the Referendum Workgroup. At that meeting a WSBA officer suggested that the primary purpose of the group was to cut back on membership referendum rights, by making the procedural requirements for a referendum more burdensome, as by increasing signature requirements, etc. He said the Supreme Court, or at least one of the Justices, did not want to deal with another referendum.

To this end, one member of the Workgroup, a non-elected "at large" Governor, was pushing the idea that electronic signature gathering should be eliminated. He wants to require that signatures be gathered on paper. But if the goal is to harass and burden referendum proponents, why stop there? Requiring that signatures be engraved upon marine-grade stainless steel ingots would be even more effective.

11/03/17

Leave a Reply

Enter your comment here

About the Washington State Bar Association

Be advised to review the page and the members of the Bar Association of the Washington State Bar Association and members associated with the Washington State Bar Association.



Washington State Bar Association
The Washington State Bar Association is a non-profit organization that provides legal services to the public and promotes the interests of the legal profession.

Blog at WordPress.com

**REFERENDUM PROCESS REVIEW
WORK GROUP REPORT
ATTACHMENT E**

**MAJORITY AND MINORITY
REPORTS RELATED TO
RECOMMENDATION 1**

Referendum Process Review Work Group Recommendation

Article III(I)(1)(6) License Fee Referendum and Article VIII A(1) Member Referenda

Majority Report

The Referendum Work Group considered whether the referendum power should allow members to directly set license fees. The majority felt the referendum power is not appropriate for this purpose in light of (1) the Supreme Court's power to review and modify license fees, (2) the disruption that fee reductions cause in the functioning of WSBA, and (3) the other avenues available to the membership for input on the budget and license fees.

A referendum on license fees may not adequately fund the activities that the Supreme Court has delegated to WSBA and thus conflict with the Court's authority. The Court regulates the practice of law in GR 12, which sets forth the goals of the Court's regulation and authorizes WSBA to carry out these goals. The rule further authorizes specific activities that WSBA is to perform on behalf of the court, such as administering the bar exam and discipline system, but also including such things as producing CLEs and supporting indigent legal services. One of the authorized activities is "establishing the amount of all license, application, investigation, and other related fees. . ." GR 12.2(22). That section further provides:

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.

Although it was added following the 2012 referendum, the provision merely codified the existing plenary authority of the Court. More recently the Court exercised this authority by determining the fee set by the BOG was reasonable and the resulting fee if the referendum were to pass was unreasonable. *See* Order No. 25700-B-57-1 (January 5, 2017).

In light of the Supreme Court's active supervision of license fees, the majority felt that the WSBA bylaw allowing referenda to set fees was inappropriate and could result in the Court determining that a reduction in license fees is not reasonable.

A referendum to reduce the license fee also disrupts the functioning of the WSBA. One of the Court's directives to the WSBA is to "Operate a well-managed and financially sound association. . ." Good administrators plan for the future, minimizing the impacts of financial changes. After the 2012 referendum, however, the WSBA was forced to abruptly alter its own operations and partnerships with other entities in the legal community, creating a climate of extreme uncertainty for many. This kind of uncertainty negatively affects program delivery.

A referendum on license fees is also unnecessary. License fees are driven by the budget. Members can attend Budget and Audit Committee meetings as well as the Board of Governors meetings where the budget is discussed and adopted. Moreover, the budget itself may be modified by referendum. There are multiple avenues that members can utilize to suggest or mandate that certain programs be cut back. The license fee referendum is a blunt instrument that may or may not achieve the goals that members desire from a license fee rollback.

For all of the above reasons, the majority of the Referendum Work Group voted to eliminate the use of member referenda to modify the license fees set by the Board of Governors and reviewed by the Supreme Court.

REFERENDUM WORK GROUP
PROPOSED CHANGES ON LICENSE FEES
Proposed by Brian Kelly, Marc Silverman, and Michele Radosevich

I. ANNUAL LICENSE FEES AND ASSESSMENTS

6. Licensee Fee Referendum

The license fees are not subject to a referendum, nor may the license fees ~~Once approved by the BOG, license fees shall be subject to the same referendum process as other BOG actions, but may not~~ be modified or reduced as part of a referendum on the Bar's budget. Under GR 12.1(22), 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 the fee is not reasonable. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.

VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA

1. The Board of Governors sets the policy for the Bar. Except for license fees, ~~the~~ membership, through a referendum, has the opportunity to affect policy set by the BOG. Membership referenda may accomplish the following:
 - a. Reverse a final action taken by the Board of Governors;
 - b. Modify a final action taken by the Board of Governors;
 - c. Enact a resolution; or
 - d. Amend these bylaws.

Referendum Workgroup Recommendation #1

Article III.I.6 “License Fee Referendum”/Article VIII.A.1 “Member Referenda”

Minority Report

Perhaps the most extensive discussion and debate undertaken by the work group concerned the specific bylaw provisions encompassing license fee referenda; specifically, Article III.I.6 and Article VIII.A.1.

Two proposals were presented and voted upon on 11/14/17¹. The minority vote for each motion described below consisted of all of the At Large WSBA Members of the Work Group present at this meeting and one current BOG member. The proposals were as follows:

1. The first proposal retained the ability for members to bring a referendum concerning licensing fees and only minimally altered the language of Article III.I.6 as follows:

Once approved by the BOG, referenda pertaining to license fees shall be subject to the same referendum process ~~as other BOG actions~~ set forth in Article VIII of these bylaws, but may not be modified or reduced as part of a referendum on the Bar's budget. The membership shall be timely notified of the BOG ~~resolutions~~ action setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.

This proposal included no changes to Article VIII.A.1 to exempt license fees from member referenda.

By a vote of 4-3, this first proposal failed.

2. The second proposal removed from Article III.I.6 the ability for members to bring a referendum concerning licensing fees and included a reference to GR 12.1 as follows:

The license fees are not subject to a referendum, nor may the license fees Once approved by the BOG, referenda pertaining to license fees shall be subject to the same referendum process as other BOG actions, but may not be modified or reduced as part of a referendum on the Bar's budget. Under GR 12.1(22, 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 the fee is not reasonable. The membership shall be timely notified of the BOG resolutions setting license fees both prior to and after the decision, by posting on the Bar's website, e-mail, and publication in the Bar's official publication.

¹ It should be noted that whenever a motion was presented throughout this process only those work group members present were able to cast a vote; i.e. no proxies were allowed.

When the motion to approve the above language was made, a friendly amendment passed to reorder the sentences to improve the flow of the language and is reflected in the recommended bylaw amendment now before the BOG.

This second proposal also included adding a new clause to Article VIII.A.1 that exempted license fees from referenda as follows:

The Board of Governors sets the policy for the Bar. Except for license fees, ~~the~~ membership, through a referendum, has the opportunity to affect policy set by the BOG. Membership referenda may accomplish the following:

By a vote of 4-3, this second proposal, as amended, passed.

The minority argument for each of the proposals, as advanced by all of the At-Large Member representatives and the governor that joined them, is as follows:

The membership's power to bring a referendum on licensing fees for more than a decade has existed with only the limitation being that such an issue may not be part of a referendum brought as to the Bar's budget. The 2016 referendum regarding license fees failed without the membership being given the opportunity to vote on the issue due to the *sua sponte* order issued by the Supreme Court which found that the fees approved by BOG were reasonable and the effect of the pending referendum, if successful, would be unreasonable. Prior to that, all such referenda were allowed to run their course in compliance with then-existing bylaw provisions. Some of these referenda failed and some passed. The last successful referendum brought as to license fees resulted in a rollback of license fees in 2012. Rather than reducing the footprint of the existing WSBA programming to remain within its budget under the resulting reduced license fee, the Bar instead utilized reserve funds to maintain the vast majority of programming regardless of whether mandatory or non-mandatory in nature.

The primary source of revenue for WSBA is the license fee imposed on its members. The license fee is not broken out for the members to determine which part of it funds the mandatory functions of the Bar such as regulatory and disciplinary functions and which part funds the non-mandatory functions such as CLE, various boards established by the Supreme Court, member benefits, and the like.

Because WSBA is an integrated, mandatory bar association, members currently have no choice but to pay the full license fee imposed upon them if they wish to practice law in this state.

The only real means the membership has to prevent its representatives (i.e. BOG) from increasing license fees to fund ever-expanding and/or *non-mandatory* WSBA functions or programs has been through the referendum process.

The minority position throughout this process has been that it is important in a democratic process for the membership to retain its right to act as a check on the governing body through a referendum process that holds the governing body accountable. This is particularly true when it comes to the mandatory license fee imposed on anyone wishing to practice law in this state.

Referendum Workgroup Recommendation #1

Article III.I.6 “License Fee Referendum”/Article VIII.A.1 “Member Referenda”

Minority Report

Perhaps the most extensive discussion and debate undertaken by the work group concerned the specific bylaw provisions encompassing license fee referenda; specifically, Article III.I.6 and Article VIII.A.1.

Two proposals were presented and voted upon on 11/14/17¹. The minority vote for each motion

described below consisted of all of the At Large WSBA Members of the Work Group present at this meeting and one current BOG member. The proposals were as follows:

1. The first proposal retained the ability for members to bring a referendum concerning licensing fees and only minimally altered the language of Article III.I.6, and included no changes to Article

VIII.A.1 to exempt license fees from member referenda. **By a vote of 4-3, this first proposal failed.**

2. The second proposal removed from Article III.I.6 the ability for members to bring a referendum concerning licensing fees and included a reference to GR 12.1. **By a vote of 4-3, this second proposal, as amended, passed.**

The minority argument for each of the two proposals, as advanced by all of the At-Large Member representatives and the governor that joined them, is as follows:

The membership’s power to bring a referendum on licensing fees for more than a decade has existed with only the limitation being that such an issue may not be part of a referendum brought as to the Bar’s budget. The 2016 referendum regarding license fees failed without the membership being given the opportunity to vote on the issue due to the *sua sponte* order issued by the Supreme Court which found that the fees approved by BOG were reasonable and the effect of the pending referendum, if successful, would be unreasonable. Prior to that, all such

referenda were allowed to run their course in compliance with then-existing bylaw provisions. Some of these referenda failed and some passed. The last successful referendum brought as to license fees resulted in a rollback of license fees in 2012. Rather than reducing the footprint of the existing WSBA programming to remain within its budget under the resulting reduced license fee, the Bar instead utilized reserve funds to maintain the vast majority of programming regardless of whether mandatory or non-mandatory in nature.

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Because WSBA is an integrated, mandatory bar association, members currently have no choice but to pay the full license fee imposed upon them if they wish to practice law in this state.

The only real means the membership has to prevent its representatives (i.e. BOG) from increasing license fees to fund ever-expanding and/or *non-mandatory* WSBA functions or programs has been through the referendum process.

The minority position throughout this process has been that it is important in a democratic process for the membership to retain its right to act as a check on the governing body through a referendum process that holds the governing body accountable. This is particularly true when it comes to the mandatory license fee imposed on anyone wishing to practice law in this state.

¹ It should be noted that whenever a motion was presented throughout this process only those work group members present were able to cast a vote; i.e. no proxies were allowed.

REPORT RELATED TO RECOMMENDATION 2

Referendum Workgroup Recommendation #2

Article VIII.A.1.c “Member Referenda”

Subpart c of Article VIII.A.1 currently includes a permissible referenda function to “Enact a resolution”. However, following extensive research and discussion regarding historic bylaw provisions, it was agreed that a referendum is no longer required for any member to bring forth to the Board of Governors a proposed resolution for consideration. While in days passed resolutions may have been used differently, today resolutions are normally just a statement of support for a proposition for which no further action is required.

The work group tried to discern the intent of the provision. One possible meaning may have been to provide a means to members for bringing what is now typically observed in state government as a citizen initiative that binds the legislature to a new law if passed by the voters.

Two proposals were discussed for replacement of this provision. The first, if approved, would have been akin to what we know as the citizen initiative process which binds the legislature (i.e. BOG) if enough votes are cast by the electorate (i.e. members). The second, if approved, would have been akin to simply a proposal by the citizens (i.e. the members) to the legislature (i.e. BOG) to be considered and voted upon by the legislature if they so choose to do so.

After some discussion and debate undertaken by the work group, the language agreed to by a 7-2 majority was a compromise version of the two proposals which is as follows:

ARTICLE VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA

1. *[see change proposed elsewhere]:*
 - a. *[unchanged];*
 - b. *[unchanged];*
 - c. ~~Enact a resolution~~ *Propose a new action to the Board of Governors; or*
 - d. *[unchanged].*

Because of the small number voting against this proposal, no minority report was sought or required.

**MAJORITY AND MINORITY
REPORTS RELATED TO
RECOMMENDATION 3**

Referendum Workgroup

Majority Report on VIII.A.1.d.

“Amendment of the Bylaws by the Membership”

Discussion and debate was had by the committee over the potential striking of the line:

“d. Amend these bylaws.”

from the Bylaws. By a majority vote of the committee it was determined that the Bylaws should *not* be altered in this regard.

The membership’s power to amend the bylaws has existed throughout the existence of the WSBA, and indeed the Bar Act describes it as a mandatory part of its chartered existence: “*Any such rule may be modified, or rescinded, or a new rule adopted, by a vote of the active members under rules to be prescribed by the board of governors.*” RCW 2.48.050 (7).

It is widely understood that the membership cherishes the concept of their democratic check of authority via referendum. The WSBA not only depends on the buy-in of its membership for countless volunteer hours and license fees to operate, but also upon the mandate of those certain unalienable Rights bestowed upon the membership by both the Bar Act and good policy. There is no more formal or clear direction that the membership can give to the BOG than by amending the bylaws.

In addition to it being bad policy to remove the members’ power to act as a check or direct the organization to better meet the needs of the membership, there are the optics to consider. At this time, when membership participation and goodwill is at an anecdotally low point, and where the WSBA is perceived as uninterested in member comment and feedback, removing further participation and governance rights from the membership will result in increased member disengagement.

REFERENDUM WORK GROUP RECOMMENDATIONS

Article VIII A(1)(d)

The work group, having voted to remove member fee modifications from the referendum process, then discussed other possible purposes that membership referenda might serve. The narrower question became whether the membership should retain the ability to amend the bylaws through use of referenda. A majority agreed that the membership should retain this opportunity. A minority disagreed, arguing that amendment of the bylaws is not an appropriate area for referenda by the membership at large.

Historically, although our bylaws have included this ability for amendment by referenda, they have never been amended this way; the reason is easy to understand. Amendment of the bylaws requires an enormous amount of thought and work. Bylaws operate as a unified whole in governing any organization, including the WSBA. Consequently, whenever bylaws require amendment, virtually without exception, it is a lengthy and involved process, usually spanning many months, if not a full governing year, to accomplish. Indeed, just as with the “referendum process” issues undertaken here, typically, an entire taskforce is assembled specifically for this purpose. The BOG, by virtue of its membership and its working relationship with staff, has unique expertise in such detailed analysis and drafting.

Amending the bylaws is different than, for example, the proposal of modifications to an existing program. Such a change can be made by the BOG alone, addressing the program and modifications thereto as a unit. Expertise in the particular program area is easily brought to bear so that substantive underpinnings for such changes can be readily developed. The same is not true of the process amending bylaws. Such action by the BOG requires deep deliberation and

close study over an extended period to ensure not only specific effectiveness of the proposed amendment, but overarching consistency with the entirety of the bylaws. The minority believes that this should not be undertaken based on the occasional idea of individual members, but instead should be the exclusive province of the deliberative, cohesive governing body.

REFERENDUM WORK GROUP

VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA

1. The Board of Governors sets the policy for the Bar. The membership, through a referendum, has the opportunity to affect policy set by the BOG. Membership referenda may accomplish the following:
 - a. Reverse a final action taken by the Board of Governors;
 - b. Modify a final action taken by the Board of Governors;
 - c. Enact a resolution; or
 - d. ~~Amend these bylaws.~~

**MAJORITY AND MINORITY
REPORTS RELATED TO
RECOMMENDATION 4**

REFERENDUM WORK GROUP RECOMMENDATIONS:
REDUCTION OF REFERENDUM PETITION FROM 90 TO 30 DAYS

Article VIII A(2)(d)

An important element of the Membership Referendum process concerns the amount of time members should have to file referendum petitions. Under the Bylaws, historically, members have had 90 days within which to petition for a referendum on actions by the Board of Governors (BOG). Technology, however, has dramatically enhanced members' ability to receive notice of the BOG's work. Only recently, for example, have broad based website and mass email capabilities been used by the WSBA leadership and staff to disseminate information to the membership. Traditionally, action by the BOG was disseminated via reports in "Northwest Lawyer", WSBA's monthly print publication. In light of these technical realities and limitations, tradition held that 90 days were needed to provide adequate opportunity for members to petition for referenda on BOG action.

Advances in technology have changed this picture radically. BOG meeting materials are no longer disseminated in "print" but instead are provided to the BOG and the WSBA membership electronically. Any member can now access all BOG materials online, not only during BOG meetings, in real time, but in advance of *and* following BOG meetings. Since most, if not all, BOG action typically occurs on the basis of at least an initial "first reading" of the item, with formal action taken in subsequent meeting(s), "work in progress" that leadership and staff are involved with get comprehensive review over an extended period. Combined with the fact that many BOG meetings (although not all) are available on "webinar" for membership

viewing/participation in “real time”, the majority of the referendum work group believes that the membership has unprecedented access to BOG information and action. Given these current realities and the elimination of many historic notice limitations, the up-dating of the referendum process included a shortening of the referendum petition window to a period which is considered more consistent with the current flow of BOG work and the greatly enhanced availability of information and notice to the membership at large. Finally, the majority of the referendum work group believes that shortening the referendum petition period is consistent with President-Elect Bill Pickett’s plea for greater member involvement and participation in the important work of the WSBA.

Article VIII. MEMBER REFERENDA AND BOG REFERRALS TO MEMBERSHIP

A. MEMBER REFERENDA

2. *[unchanged]*

- d. If the subject of the petition seeks to reverse or modify final action taken by the Board of Governors, then the petition must be filed with the Executive Director within 30 ~~90~~ days of final action.

REFERENDUM WORKGROUP RECOMMENDATION #4

Article VIII.A.2.d “Member Petition for Referendum – Time”

Minority Report

The work group meeting on 11/21/17¹ began with a discussion on whether 90 days was a sufficient time-frame for WSBA members to file a petition for a referendum seeking to reverse or modify final action taken by the Board of Governors. The seven members of the work group present² determined the current ninety (90) day timeframe to be sufficient, but some complained - believing it too generous.

Proposed language was presented and voted upon on 12/1/17. The minority vote for this motion consisted of all of the present and participating At Large WSBA Members³ of the Work Group and one current BOG member. The proposed language reduces by two-thirds the time frame during which WSBA Membership may file a petition seeking to reverse or modify a final action taken by the Board of Governors from ninety (90) days to thirty (30) days.

The minority argument for this proposal as advanced by all of the At-Large Member representatives and the governor that joined them is as follows:

A petition must be signed by at least five percent of the Active membership of the Bar at the time the petition is filed.⁴ As of 11/1/2017, there were 32,517 Active WSBA members.

¹ The author, Krista K. van Amerongen was not present for this discussion. She relied on her own notes from other meetings as well as Minutes.

² Members participating: Chair G. Kim Risenmay, Rajeev Mujumdar, William Pickett, Athan Papailiou, Michele Radosevich, Brian Kelly, and Edward Hiskes. Not present: Krista K. van Amerongen, Marc Silverman, Jean Cotton, and Jennifer Hanson.

³ This included Krista K. van Amerongen, Edward Hiskes, and Jean Cotton. Jennifer Hanson did not attend the meeting

⁴ Article VIII A(2)(b)

That means a petition would require a minimum of 1,626 signatures at the time the petition is filed.⁵ The petition must comply with GR 12.⁵

First, if this is all done with paper (i.e., a wood product) and not via electronic means, it is virtually impossible to comply with within 30 days. Even considering the most optimistic circumstances, at the very least, one must be present when the BOG votes, then immediately draft a petition, photocopy that petition over 32,000 times, comb the WSBA lawyer directory to manually obtain mailing information for each member (or submit a request for a mailing list of all members to WSBA via a public information request and await a response), address over 32,000 letters, pay for over 32,000 stamps (nearly \$13,500) to mail the proposed petition to members, wait about five business days for membership to receive the letters, then wait for members to respond in writing. Utilizing email or fax to disseminate the petition would consume about the same amount of time although save the cost of stamps!

Second, it is highly improbable for members unable to attend a BOG meeting, especially when not telecast, to even learn what occurred within 30 days. Often, minutes are published two months *after* the BOG meeting. Even were minutes published in thirty (30) days, the time frame in which a member may file a petition is expired. Right now, BOG members who have already scheduled time to be at the meetings only get materials a few business days before the meetings. It is unreasonable and impractical to believe or to require average members, located across the state, to: (1) become aware of issues that might affect them at the last moment, (2) cancel appointments and close shop for the day, (3) find coverage for court matters, and (4) travel (up to five hours one way) ... All in an effort just to be briefed about issues in the hopes there is not a vote upon which they would need to try to organize a referendum.

The sole outcome of a thirty (30) day limit is elimination of member referenda with regards to a final action by the BOG. Ultimately, the loss of due process for 32,000+ members who are subject to the will of fifteen (15) active members – approximately 0.0005% of the WSBA membership. Good ideas need not hide behind procedure. Timely publication of BOG meeting information, followed by sufficient time for the membership to respond, promotes collaboration and participation between the BOG and the membership. Reasonable minds may

⁵ Article VIII A(2)(c); the BOG “will determine, within 30 days of the filing of a petition for a referendum, if the subject of the petition falls within the requirements of GR 12.

disagree – the referendum process exists so that the membership has a clear, effective, transparent mechanism by which to express its perspective regarding final action of the BOG. Likewise, if the BOG is in fact representing the membership with regards to WSBA programming, goods, and services, reducing the time available to challenge or modify a final BOG action such that it eliminates due process for the membership only serves as an impediment.

Ninety (90) days is the current standard and has never presented prejudice to the BOG. Ninety (90) days is a reasonable time period for County Bars and Sections to gather and discuss merits and process final results. It is not an unusually lengthy time period and allows for proper dissemination and discussion of a referendum. Eliminating a reasonable time period would be an act of bad faith, resulting in the virtual elimination of the referendum.

It is widely understood that the membership cherishes the concept of their democratic check of authority via referendum. The WSBA not only depends on membership for countless volunteer hours and dues to operate, but also upon the mandate of those certain unalienable Rights bestowed upon the membership by both the Bar Act and good policy. In addition to it being bad policy to virtually remove the members' ability to act as a check or direct the organization to better meet the needs of the membership, there are the optics to consider. Removing further participation and governance rights from the membership will result in increased member disengagement and further antagonize an already disenchanted membership.

Board of Governors Meeting
The Hilton
Vancouver, WA
July 27-28, 2018

How the Consent Calendar Operates: The items listed below are proposed for approval on the Consent Calendar. Following introductions in the Public Session, the President will ask the Board if they wish to discuss any matter on the Consent Calendar. If they do, the item will come off the Consent Calendar and be included for discussion under First Reading/Action Items on the regular agenda. If no discussion is requested, a Consent Calendar approval form will be circulated for each Governor’s signature.

Consent Calendar Approval

a. May 17-18, 2018, Public Session Minutes513

b. June 25, 2018, Special Meeting Public Session Minutes533

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Public Session Minutes

Seattle, WA

May 17-18, 2018

The Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Thursday, May 17, 2018, at 1:05 p.m., recessed at 6:05 p.m., and reconvened on Friday, May 18, 2018, at 9:35 a.m. at the WSBA Conference Center, Seattle, Washington. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
James K. Doane
Angela M. Hayes
Kim E. Hunter (phone)
Jean Y. Kang
Rajeev D. Majumdar
Christina A. Meserve
Athan P. Papailiou
G. Kim Risenmay
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were Immediate Past-President Bill Hyslop, Executive Director Paula Littlewood, General Counsel Sean Davis, Chief Disciplinary Counsel Doug Ende, Director of Human Resources Frances Dujon-Reynolds, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane.

The following items were discussed on Thursday, May 17, 2018.

CONSENT CALENDAR

- a. March 8, 2018, Public Session Minutes

~~b. March 19, 2018, Special Meeting Public Session Minutes~~

c. April 6, 2018, Special Meeting Public Session Minutes

The March 19, 2018, Special Meeting Public Session Minutes were pulled from Consent by Governor Risenmay for discussion. These Minutes were not discussed during this meeting, and will be placed on the agenda for discussion at the Board's June 25, 2018, Special Meeting.

INTERVIEW AND SELECTION OF 2018-2019 WSBA PRESIDENT-ELECT

Governor Majumdar recused himself, except for his interview process, since he was a candidate for the 2018-2019 WSBA President-elect seat. President Pickett announced that Governor Majumdar would be voting in this election and, if he is the successful candidate for the 2018-2019 President-elect seat, he planned to continue serving as Governor of District 2 until he becomes President in one and one-half years. In answer to an inquiry regarding whether a sitting Governor could also serve as President-elect, General Counsel Davis advised that the Bylaws do not explicitly address an individual holding both roles; however, the distinct nature of both roles implicitly demonstrates that holding both roles is inconsistent with the intent of the Bylaws. Later in the meeting, President-elect Majumdar stated that it would be most ideal if he resigned at some point in the future and requested that a Special Meeting be scheduled in June 2018 in order to hold an election so the successful candidate could sit at the Board table at the July 17-18, 2018, Board meeting and fill his remaining term. It was the consensus of the Board to do so.

President Pickett explained the election process for the 2018-2019 President-Elect: the presentation order was determined by random draw: Rajeev Majumdar first, Doug Shepherd second, and Geoff Revelle third; each candidate would be out of the room for the other candidates' presentations; each candidate would have 15-20 minutes to address the Board and answer questions; all candidates would be excused for discussion and debate during Public Session; a vote by secret ballot would be taken by the Board; the President would cast a secret ballot to be used only in the event of a tie; and the results would be announced to the candidates outside the meeting room. President Pickett appointed Executive Director Paula Littlewood, General Counsel Sean Davis, and former Governor Keith Black as canvassers.

Each candidate in turn presented their vision and responded to questions from the Board. Following the interview process, discussion involving the Board and various liaisons and guests ensued regarding the three candidates. President Pickett then proceeded with the secret ballot vote. Executive Director Littlewood provided President Pickett with the results of the secret ballot vote and he announced Rajeev D. Majumdar as the WSBA 2018-2019 President-elect. President Pickett and Executive Director Littlewood informed the candidates of the outcome of the vote.

Governor Majumdar was sworn in as the 2018-2019 President-elect by The Honorable LeRoy McCullough by phone. Governor Risenmay raised a Point of Order and explained that Article IV(B)(2) of the WSBA Bylaws specifically state that the President-elect is not a voting member of the Board, so even though he may continue to be a Governor, he no longer has the right to vote except under the one exception set forth in the Bylaws. President Pickett ruled in agreement with Governor Risenmay's Point of Order.

INTERVIEW AND SELECTION OF THE 2018-2021 WSBA AT-LARGE (NEW AND YOUNG LAWYERS) GOVERNOR

President Pickett explained the election process for the 2018-2021 At-Large (New and Young Lawyers) Governor: the presentation order was determined by random draw: Zishan Lokhandwala first, and Russell Knight second; each candidate would be out of the room for the other candidate's presentation; each candidate would have 10-15 minutes to address the Board and answer questions; both candidates would be excused for discussion and debate during Public Session; a vote by secret ballot would be taken by the Board; the President would cast a secret ballot to be used only in the event of a tie; and the results would be announced to the candidates outside the meeting room. President Pickett appointed Executive Director Paula Littlewood, General Counsel Sean Davis, and former Governor Keith Black as canvassers.

Each At-Large candidate in turn presented their vision to the Board and responded to questions from the Board. Following the interview process, discussion ensued involving the Board and various liaisons and guests ensued regarding both candidates. President Pickett then proceeded

with the secret ballot vote. Executive Director Littlewood provided President Pickett with the results of the secret ballot vote. He announced Russell A. Knight as the WSBA At-Large (New and Young Lawyers) Governor for the 2018-2021 term, and advised that Mr. Knight would be sworn in at the APEX Award dinner in September. President Pickett and Executive Director Littlewood informed the candidates of the outcome of the vote.

Governor Swegle stated that he was appealing the decision of the Chair on Governor Risenmay's Point of Order as the Bylaws do not state that the Chair has the right to determine the interpretation of the Bylaws. Governor Risenmay raised a Point of Order that Governor Swegle was untimely as the Chair does have the right to make a ruling on any Point of Order and any objection or appeal is required to come before the next piece of business. Discussion ensued regarding the untimeliness of a Point of Order. Governor Doane moved to table the elections until the issue could be resolved. Motion failed for lack of a second. President-elect Majumdar stated that he would abstain from voting. President Pickett advised that President-elect Majumdar's abstentions would not be recorded in the Minutes. Governor Stephens requested that this matter be taken up during Executive Session the following day since there were procedural issues that were troubling to him.

UPDATE FROM PRACTICE OF LAW BOARD (POLB) – Paul Bastine, Chair

Chair Bastine referred the Board to the information contained in the meeting materials and explained what the POLB is and the mission as defined by the Washington Supreme Court. He advised that the POLB is working on several initiatives: (1) developing a legal health checkup list as well as a web-based application for the checkup with the goal that the tool would be a win-win situation for the Bar Association, the courts, and the public; (2) revisions to GR 24 dealing with online provider; and (3) grievances for the unauthorized practice of law in a very limited fashion in accordance with the revised Order. He reported that the legal health checkup list had been circulated to 150 entities and that the POLB was constantly receiving additional information.

The following items were discussed on Friday, May 18, 2018.

APPOINT FREDERICK B. RIVERA TO THE LEGAL FOUNDATION OF WASHINGTON (LFW) BOARD

Governor Doane moved to approve the appointment of Frederick B. Rivera to the Legal Foundation of Washington Board, term to begin immediately through December 31, 2019. Motion passed unanimously. Governor Papailiou was not present for the vote.

ADOPT PROPOSED PERSONNEL COMMITTEE EXECUTIVE DIRECTOR SUCCESSION PLAN – Governor Angela Hayes, Chair

Governor Hayes referred the Board to the information contained in the meeting materials. Governor Swegle opined that it is the Board's decision, not the Selection Committee's, to determine whether the Executive Director should be involved in the process to select a successor. Discussion ensued regarding whether to leave in or strike C(4)(i) that states: "Should the ED be involved in the selection process and if so what would the ED's involvement be;" no need to strike since this is a recommended process and the Board would approve the final process; the concern that the language increases the concentration of power; and the opinion that the current language addresses the concern. It was noted that all three clauses are questions to be answered at the time the Succession Plan is brought to the Board, and that "should" and "how" are not mandates, but rather questions asking for a determination. Governor Swegle moved to adopt the proposed Succession Plan with the revision that C(4)(i) be deleted. Motion died for lack of a second. Governor Stephens moved to adopt the Succession Plan as contained in the meeting materials. Motion passed 11-1. Governor Papailiou was not present for the vote.

APPROVE PROPOSED WSBA BYLAW AMENDMENTS RE PRESIDENT'S AND GOVERNORS' AUTHORITY

President Pickett advised the Board that the proposed Bylaw amendments do not deal with the proposed three new seats, but with the authority of the President and the Board. Governor Risenmay raised a Question of Privilege and reminded the Board that at the previous Public Meeting he had raised a Question of Privilege that all proposed amendments to the Bylaws would be out of order until the three new Governor seats had been filled as required by the Bylaws. He explained that the Board voted at its January 2018 meeting to hold in abeyance the Supreme Court Order adding the three new seats, which caused a continuing breach and effectively acted to suspend the rules for the Board's parliamentary procedures by not allowing

the three new Board members to take their seats and act in them, with the result that representation to the members is denied in those three seats. He stated that rules contained in the Bylaws cannot be suspended no matter how large the Board vote in doing so, and that the motion by its very nature was contrary to the Bylaws for that reason. Governor Risenmay explained that taking action to change the fundamental Bylaws of the WSBA while denying representation to members of the organization that are required by the Bylaws is a fundamental breach of the Bylaws and is topical for any action that would involve Bylaw changes. He noted that he is in favor of some of the proposed amendments, but that it is improper for the Board to vote on the proposed amendments when certain elements of the Bylaws are being breached by the absence of three members of the Board. He suggested that the President find the motion passed at the January Board meeting out of order because it violates the principals just iterated, fill the three empty seats, and then address and vote on the proposed Bylaw amendments. Discussion ensued regarding whether the Point of Order was topical to the proposed amendments; other actions of the Board since the January meeting being null and void; concern with timeliness of the Point of Order; there being a procedural due process issue since the three seats were currently not filled; whether the Board is in violation of the Court's January Order; the Board's ability to request modification of the Court Order; and interpretation of the Bylaws that the three seats are not vacancies and that according to the schedule in the Bylaws the only seat to be filled this year is the Limited License Legal Technician/Limited Practice Officer (LLLT/LPO) seat, and it would be up to the Board to decide whether to do so. Governor Stephens stated for the record that he did not believe the Board's actions since January were null and void.

President Pickett consulted with General Counsel Davis. He expressed his concern that seats are being taken away from three people by not allowing them to sit on the Board in light of the Supreme Court Order that grants them that privilege, as well as the number of years, extensive research and discussion, and countless volunteer hours that went into the process of adding the three seats to the Board. He stated that his ruling is that the Board will move forward and let the process take place. He stressed the importance of Board members to trust each other, start collaborating, and stop bickering.

Governor Bridges stated the reasons for the proposed Bylaw amendments and that all but one of the proposed amendments is to remove ambiguity and give additional clarity to the Bylaws. Discussion ensued regarding whether to vote on all the proposed amendments at one time or vote on each proposed amendment individually. Concern was expressed that some Governors agree with some of the proposed amendments, but not others, with the result that a negative vote would have to be cast if the vote is on all the proposed amendments at one time.

Clarifying a quorum is required for a vote to be valid – Article II(E)(2) on page 236 of the meeting materials.

Governor Bridges stated that the proposed amendment is to clarify the rule for a quorum. Discussion ensued regarding whether requiring a quorum at the time of a vote would apply to committees as well as the Board, and if so, the hardship that small committees might experience, and clarification of what *Robert's Rules of Order* actually state on this matter. General Counsel Davis clarified that the definition of "action" in the WSBA's Bylaws is very broad; if enough people leave a meeting that there is no longer a quorum, attempts must be made to reach a quorum or the meeting will have to disband. Governor Risenmay moved that each proposed Bylaw amendment be considered and voted on separately. Motion failed 5-7. Governor Papailiou was not present for the vote.

Affirming the authority of the WSBA, except where limited by statute, order, or court rule, resides with and is retained by the Board – Article IV(A) on page 259 of the meeting materials

Governor Bridges stated that the proposed amendments to this section of the Bylaws make it clear that the Board has the authority to delegate rather than being told what it can and cannot do. Immediate Past-President Hyslop requested that "case law" be included; President Pickett suggested also adding "subject to the plenary authority and supervision of the Washington Supreme Court." Governor Bridges agreed to do so. Later in the meeting, Governor Tollefson moved to amend Article IV(A) after "Subject to" to add "the supervision and plenary authority of the Washington Supreme Court, and limitations imposed by Statute, Court Rule, Court Order, or case law..." Motion passed 12-1. Governor Papailiou was not present for the vote.

Affirming the President sets the agenda, but affirming the Board's ability to act on any item properly moved and seconded at a Board meeting – Articles IV(A) on page 259; IV(B)(1) on page 262; and VII(C)(4) on page 285 of the meeting materials

Governor Bridges stated that these proposed amendments give the Board the ability to affect the agenda if it sees fit. Discussion ensued regarding the lack of notice and lack of transparency to members and the public if the Board discusses and/or votes on an item not listed on the agenda; the only requirement for notice being amendments to the Bylaws; concern regarding unfettered power of the Board; and the potential for diluting voices at the Board table. Governor Stephens moved to approve the entire set of proposed amendments to the WSBA Bylaws. Governor Risenmay moved to amend the motion and eliminate the first full new sentence "Subject to limitation..." and the third full new sentence "The Board's authority..." in Article IV(A) on page 259 of the meeting materials. General Counsel Davis advised that the Board needs to clarify what is already stated and not run the risk of making language related to the Washington Supreme Court unclear for future Boards. Governor Bridges stated that Governor Risenmay's motion would eviscerate the point of the amendment. Governor Risenmay's motion failed 2-9-1. Governor Papailiou was not present for the vote.

Final: ...Subject to the 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. [Article IV(A)]

Later in the meeting, Governor Stephens expressed concern regarding the proposed amendment to IV(B)(1) on page 262 of the meeting materials, which provided that the agenda could be changed by a simple majority vote of the Board and moved to add "...two-thirds" prior to "majority of the Board...." Discussion ensued regarding new items being added to the agenda without notice to the members and the public; the advantage of requiring a supermajority vote resulting in increased collaboration; and the disadvantage of requiring a supermajority vote that might affect a routine issue. Governor Stephens moved to include "action by two-thirds of the Board," rather than "action by a majority of the Board." Further discussion ensued regarding adding items to the agenda with no notice to the members or to other Governors; no

time to review materials prior to the meeting; and keeping the power dynamic in balance rather than shifting it from one side to the other. Motion failed 5-8.

Final: The President has the authority to: set the agenda however that authority is secondary to the authority of the Board of Governors at any Board meeting to take action on any issue raised by a duly seconded motion;... [Article IV(B)(1)]

Final: ...However, nothing in this section shall prohibit the Board of Governors upon a duly seconded motion from addressing any issue or taking any action a majority of the Board determines to take if otherwise permitted by these Bylaws.... [Article VII(C)(4)]

Reorganizing the Executive Committee to include one member from each class. Clarifying the notice required to call a Special Executive Committee Meeting – Article VII(D)(2-3) on page 285-286 of the meeting materials

Governor Bridges stated that the proposed amendments ensure that a representative from each class would be a member of the Executive Committee, and that no one on the Executive Committee would have a vote except the President-elect and Governors. Discussion ensued regarding the definition of "class;" basing membership on talents and ability to contribute rather than classes; and the President appointing members to the Committee rather than having classes elect one of their members to the Committee. Governor Meserve moved to change the proposed amendment to reflect that one member of each governance class be appointed by the President unless that class is already represented. Discussion ensued regarding appointment versus election; whether to have the classes hold an election each year; and concern regarding no election process being in place. Motion failed 5-7. Governor Papailiou was not present for the vote. Governor Bridges moved to add after "...as elected by that class," "at or before the first Board meeting of the fiscal year...." Motion passed 9-2-1. Governor Papailiou was not present for the vote. In answer to an inquiry as to why the voting rights of the Immediate Past-President and the Executive Director were removed, Governor Bridges explained that only those who are able to vote at the Board table should be able to vote in committees. Discussion ensued regarding being more inclusive rather than exclusive; decentralizing power within the WSBA; President-elect being more reflective of the Board's wishes since they were just elected than the Immediate Past-President who was elected two years before; and the wisdom of thinking long-term. Governor Meserve moved to strike the last sentence in VII(D)(2) since the Treasurer and Personnel Committee Chairs are already

Governors. Motion failed 4-8. Governor Papailiou was not present for the vote. Later in the meeting discussion ensued regarding keeping the Immediate Past-President as a voting member of the Executive Committee. Governor Hayes moved to keep the last sentence in VII(D)(2) on page 285 of the meeting materials and include the Immediate Past President. Governor Meserve moved to amend the motion and omit Treasurer and Personnel Committee Chair because they are already covered in the word "Governors." It was noted that who may vote on the Committee does not change who is on the Committee and the suggested amendment cleared up redundancy. Governor Meserve's motion to amend passed 7-5. Governor Hayes' motion to restore the Immediate Past President's vote failed 5-7. Governor Papailiou was not present for these two votes.

Final: 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. Only the President, President-elect, and Governors may vote on the Executive Committee. [Article VII(D)(2)]

Governor Stephens moved to amend VII(C)(5) on page 285 of the meeting materials to strike the remainder of the sentence after "...Robert's Rules of Order..." and to change "...may be governed..." to "...shall be governed... ." He explained that he was making this amendment due to recent arguments during Board meetings over parliamentary procedure. Motion passed 11-1. Governor Papailiou was not present for the vote.

Final: Proceedings at BOG meetings shall be governed by the most current edition of Robert's Rules of Order. [Article VII(C)(5)]

Later in the meeting, Executive Director Littlewood asked for clarification regarding the proposed amendment for a notice provision for Executive Committee meetings in Article VII(D)(3) on page 286 of the meeting materials. Governor Bridges explained that the proposed amendment just requires notice to the Board that the Executive Committee is meeting.

Aligning who may vote on standing Board committees to those who may vote at Board meetings. Allowing committees to select their own chairperson. Articles IV(C)(2) on pages 265-266 and V(A)(1) on pages 269-270 of the meeting materials

Governor Bridges advised that there is a scrivener's error on page 266 of the meeting materials and that the paragraph under Article IV(C)(4)(b)(4) should be on page 265 of the meeting materials. He explained that the goal of this amendment is not to take away the President's power, but to make WSBA governance more Board-centered resulting in Committees being able to appoint their own chairperson. Governor Meserve moved to strike the proposed amendment. She explained that this amendment is not practical; it is critical to get the committees working at the beginning of the year; the Chair of the committee sets up the meeting schedule so the committee is ready to go once the new year starts; staff need to know who they will be working with; and the organization functions more efficiently and responsibly if someone is lined up to take on the responsibilities of a chair. It was noted that some committees are up to 28 people. Governor Bridges advised that he was persuaded by Governor Meserve and that his value policies do not outweigh the efficiencies she described. Motion passed 11-1. Governor Papailiou was not present for the vote.

Final: ... Only Governors may vote on standing Board committees. Voting members of ad hoc committees will be determined by the Board on a case-by-case basis. [Article IV(C)(2)]

SUPPORT AMERICAN BAR ASSOCIATION (ABA) RESOLUTION RE LEGAL FINANCIAL OBLIGATIONS (LFO) – Jaime Hawk, WSBA Delegate to the ABA, and Diana Singleton, Access to Justice Manager (first reading with possible action)

Delegate Hawk urged the Board to support the ABA Resolution on Court Fines and Fees, which in Washington state are referred to as Legal Financial Obligations (LFOs). She explained that the Board supported an LFO statement drafted by the CPD at its September 2017 meeting and that the work had inspired ABA leaders to draft a similar statement to be proposed to the ABA House of Delegates. She referred the Board to the Resolution and Report contained in the meeting materials and advised that the CPD had approved of the Resolution earlier in the month. She explained that the Resolution would be presented to the ABA House of Delegates at the upcoming ABA Annual Meeting in August and that the Resolution seeks to address the fundamental unfairness created when people are subjected to disproportionate sanctions, including imprisonment, simply because they do not have the ability to pay a fine or fee for a

criminal offense or civil infraction. She also noted that the goal of the Resolution is to build public trust in the justice system. Governor Hunter moved to support the Resolution re Legal Financial Obligations as contained in the meeting materials. In reply to an inquiry regarding victim restitution, Delegate Hawk explained that victim restitution is not included in the definition of fines and fees and that it would require a separate analysis by the court. Discussion ensued regarding whether license revocation was included in the definition of fines and fees. Motion passed unanimously. Delegate Hawk then asked if the Board would like her to advocate listing WSBA as an official co-sponsor, even though the deadline had passed. It was the consensus of the Board to do so.

APPROVE PROPOSED WSBA BYLAW AMENDMENTS RE PRESIDENT'S AND GOVERNORS' AUTHORITY (continued)

Affirming the President's discretion to call executive session but making it subject to override by majority vote by the Board. Clarifying who may attend – Article VII(B)(7)(a-b) on pages 280-283 of the meeting materials

Governor Bridges referred the Board to Article VII(B)(7) on page 280 of the meeting materials and stated that the intention is not to exclude anyone from Executive Session who needs to be there and that the Executive Director and General Counsel should be in every Executive Session; to reduce the amount of discussion in Executive Session; and to give power to the Board to decide whether the discussion should be moved to Public Session. Governor Papailiou moved to strike this proposed amendment as it was ambiguous. Motion died for lack of a second. Governor Bridges moved to amend the proposed amendment to read "...subject to a majority vote of the Board...." Governor Papailiou moved to amend the motion by changing "...the issue..." to "...a particular issue..." in order to add more clarity. Motion passed unanimously. Governor Bridges' motion passed 11-1.

Final: The BOG may meet in Executive Session at the discretion of the President subject to a majority vote of the Board of Governors that an issue is not properly raised in Executive Session, or as specifically provided by court rule... [Article VII(B)(7)(a)]

Discussion ensued regarding the importance of not abusing Executive Session; that "embarrassment or criticism of the Board of Governors" is not a sufficient reason for a topic to be discussed in Executive Session; and request for the President to publicly identify what issues

were addressed in Executive Session so members would be informed. It was noted that conflict is healthy, but incivility is not, and the Board needs to have a conversation about the difference. Governor Papailiou moved to strike the proposed last sentence of Article VII(B)(7)(a)(6) starting with "This section shall be narrowly construed..." as ambiguous and unnecessary. Motion died for lack of a second. Governor Papailiou agreed with Governor Bridges' suggestion to add "...subsection (6)...." Motion passed unanimously. Governor Swegle was not present for these votes.

Final: ...This subsection 6 shall be narrowly and strictly construed; mere embarrassment or criticism is insufficient standing alone to address an issue in Executive Session. [Article VII(B)(7)(a)(6)]

Governor Papailiou stated that redlining and being in the weeds at the Board table is not a good use of the Board's and staff's time, this process should have been done in a Committee and then submitted to the Board for its discussion and approval, and that this process identifies a larger Board issue.

Later in the meeting, Governor Meserve stated that the Board should not skip over the additional language regarding who can attend Executive Session without acknowledging what it is the Board is doing: presumptively excluding staff who have traditionally been at the Board table in Executive Session; a dramatic change from who has been at the table. Governor Bridges stated that the intention of this proposed amendment is for the Board to be more thoughtful regarding what items are being dealt with in Executive Session and who needs to be involved in the discussions. President Pickett stated that the only staff person at the Board table who reports to the Board is the Executive Director and it is inappropriate for the Board to decide which Executive Team members can attend Executive Session; all staff report to the Executive Director so it would be the decision of the Executive Director as to which staff would sit at the Board table. He reminded the Board that the Executive Management Team operates as a team and is very effective; they are cross trained and keep each other informed on issues; they were invited by the Board to sit at the Board table as a collaborative body so Board and staff can work together collaboratively and everyone is informed. Governor Bridges noted that the decision to invite the Executive Management Team to sit at the Board table was done by a past

Board; it should be clear by now that this Board desires to go in a different direction; it is the prerogative of the Board if a majority of the Board agrees; and who sits at the Board table is not the Executive Director's decision. Discussion ensued regarding lack of knowledge and resources when the Board is discussing a topic and relevant staff are not readily available; the difficulty of staff adjusting their schedules to be available on a moment's notice; the advantage of having resources available at the moment they are needed; and the President and Executive Director exercising discretion to decide what staff will be needed at any given Board meeting and if that does not work, staff can call in. Governor Bridges moved to amend the language in the proposed amendment to "...will be admitted subject to approval of a majority of the Board." Governor Papailiou noted that this proposed amendment is a major change and will force the Board to have a mini meeting at the beginning of each Executive Session to decide who can and cannot be in the meeting room; that it is nothing more than an anti-staff amendment; is totally unnecessary, sends a terrible message, and ignores the responsibilities of this Board during Executive Session; and undermines the value of the Executive Team, each of whom provides insight regarding matters being discussed. He then moved to strike "...on a case by case basis." Motion failed 5-8. Governor Bridges moved to add "All others shall be presumptively excluded, but may be admitted upon approval of a majority of the Board." Governor Hayes requested that "All others..." be changed to "Any others..." and Governor Bridges agreed. Governor Bridges noted that the Executive Committee is a good place to identify which staff would be needed during Executive Session, those staff can be available at the meeting, and will likely be approved by the Board. Motion passed 10-1-2

Final: Executive session of the BOG may proceed with no persons present except the President, President-elect, Immediate Past President, Governors, Executive Director, General Counsel, and such other persons as the BOG may authorize on a case by case basis. Any others shall be presumptively excluded, but may be admitted upon approval of a majority of the Board... [Article VII(B)(7)(a)(6)]

Requiring more detail in the Board Minutes – Article VII(A)(1)(d), page 279 of the meeting materials

Governor Bridges stated that the Minutes do not require anything more than what is currently being done. It was requested that the sign-up sheet that was previously available at Board meetings be put back in the lobby so liaisons and guests can sign their name as attendees in order to show who is actually at the meeting and then attached to the Minutes as an exhibit.

President Picket shared his concern that detailed Minutes are a potential disaster for litigation and encouraged the Board not to take extremely detailed Minutes that could potentially open up problems for WSBA, specifically regarding litigation. Governor Bridges noted that he agreed with President Pickett and that the proposed amendment does not say “detailed,” but rather says “...a reasonable summary.”

Final: “Minutes” means, at a minimum, recording the members of the Bar entity in attendance, the date and time of the meeting, the agenda of the meeting, the subject and results of any final action taken, and a reasonable summary of the issues and points raised during discussion.
[Article VII(A)(1)(d)]

Governor Stephens stated that he was attempting to get clarity on why these Bylaw amendments were being proposed. He noted that nothing will change how things are done at Board meetings if relationships remain lousy. Paper cannot be depended upon to deal with the Board’s problems and these proposed amendments are not a panacea to solve the Board’s problems. He urged the Board to recognize that there have been a number of abuses, ill treatment, and power dynamics in play. He stated that the focus of these proposed Bylaw amendments deal with what governance looks like and how the Board will do that work, and he expressed hope that as these proposed amendments are put into practice and that the Board will be open to fixing what does not work, though he was not sure about the wisdom of the proposed amendments. He stated that he was looking forward to dealing with this item and moving on, and at the July Board meeting, getting back to how the Board members work with each other and not be disagreeable. Several Governors noted that they agreed with some proposed amendments but not others, since they were unable to vote for each proposed amendment individually, they would have to vote against the entire package. President Pickett urged the Board to focus on the big picture in the future, and to think more collaboratively regarding items such as the proposed amendments at the front end so the Board does not end up with brokenness and mistrust. Governor Bridges stated that he too desired to work on big picture things, but that this exercise was not wasting time since it was a part of governance. Motion on all proposed amendments passed 7-5-1.

PROPOSED MEMBER ENGAGEMENT WORK GROUP – Governor Kim Hunter and Sara Niegowski, Chief Communications and Outreach Officer (first reading)

Officer Niegowski explained that the goals of the proposed Member Engagement Work Group include engaging members in a meaningful way; defining what interactions and information would be helpful to the Board as it makes governance decisions; providing opportunities to members to participate, learn, and provide feedback; and making sure the Board is up to date on what the Communications and Outreach Department is involved in both department- and WSBA-wide. Governor Hunter referred the Board to the information contained in the meeting materials and highlighted that the Work Group would like to educate the members in a proactive manner regarding the action of WSBA and the Board; involve members in the decision-making process by asking for their input on a regular basis; investigate what the members currently know and what they need to know; get the Sections ramped up and involved by inviting Section Executive Committee members to the Board meetings in order to interact with the Board; involve members on a one-on-one basis and build relationship with individuals so they understand what is going on in the area they are experts in; and have a couple of Governors sign letters that are currently signed by the President, the Executive Director, and General Counsel. In answer to an inquiry regarding the size of the Work Group, the inception date, and methods for reaching out, Officer Niegowski replied that what was hoped for at this meeting was a general discussion since member engagement is a very large topic and if the Board indicates that this is a Work Group it would like to charter, that can be done. Governor Bridges moved to approve the formation of a Member Engagement Work Group. Motion passed unanimously. Officer Niegowski advised that she and Governor Hunter would submit a Charter and Roster to the Board for its approval.

UPDATE FROM COMMUNICATIONS AND OUTREACH DEPARTMENT – Sara Niegowski, Chief Communications and Outreach Officer

Officer Niegowski reported that the department has initiated a Professionalism Practice Award, given “Clearing House” style. The first award, nominated by an opposing counsel in a contentious civil litigation matter, has been presented. She requested the Board let others know about the Award and explained that making nominations is very easy, referred the Board to the WSBA website and search “Professionalism in Practice”, and advised that the Awards would be presented as the nominations are received. She explained that the goal of the Award

is to recognize members and to showcase what is being done professionally and collaboratively around the state. In addition, she reported that the ongoing Outreach Member Perception Survey, which randomly selects from 105 active members, has been launched and is resulting in a good snapshot of member perception and will give good trend information. She noted that Survey reports will be given to the Board on a consistent basis, as well as the various outreach and engagement that is taking place WSBA-wide. She concluded by stating that the members will also have an opportunity to do an opt-in online survey.

EXECUTIVE DIRECTOR REPORT

Executive Director Littlewood referred the Board to her report in the written materials and highlighted the portion dealing with health insurance.

APPROVE EXTENSION OF CIVIL LITIGATION RULES DRAFTING TASK FORCE TIMELINE

Governor Risenmay moved to approve the extension of the Civil Litigation Rules Drafting Task Force through the July 27-28, 2018, BOG meeting. Motion passed unanimously.

BUDGET AND AUDIT COMMITTEE RECOMMENDATIONS – Treasurer Kim Risenmay and Ann Holmes, Chief Operations Officer (first reading)

Treasurer Risenmay explained that the Budget and Audit Committee had examined all three recommendations being presented at this meeting and uniformly recommended they be adopted.

Continuing Legal Education (CLE) Revenue Sharing Model

Treasurer Risenmay reported that the proposed CLE revenue sharing model had been widely vetted and supported by Section leadership. He compared the recommended plan with the current plan and advised that the net result would be a decrease in WSBA revenue and an increase in Section revenue. He noted that the Model is somewhat experimental and may need to be tweaked in future years.

Mandatory Continuing Legal Education (MCLE) Fee Structure

Governor Swegle recused himself during this discussion. Treasurer Risenmay explained the recommendations regarding the MCLE fee structure and advised that, because of timing, it would be helpful for the Board to take action on the MCLE fee structure recommendations at this meeting since notification needs to be made to CLE sponsors and all those affected so they will be prepared when the fee increase goes into effect in October 2018. He reported that a significant amount of time had been spent on both email and phone with representatives of various sections and the overall feedback was that the recommendations were positive. Governor Stephens moved to approve the recommendations regarding the MCLE Fee Structure. Motion passed 11-0-1. Governor Kang abstained.

Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) License Fees and Client Protection Fund Assessment

Treasurer Risenmay advised that this is the first year that the Board would be making a recommendation to the Washington Supreme Court regarding LPO and LLLT license fees; historically it has been the LPO Board and the LLLT Board. In addition, LPOs and LLLTs were not previously eligible to contribute to the Client Protection Fund, and that neither has had a claim arise against them. He explained the fee increase and noted that the recommendation is for only the LLLTs to contribute to the Client Protection Fund since the LPOs already carry coverage for their clients through the large brokerage firms where they work. Discussion ensued regarding the procedure for the Client Protection Fund Board if it received an application from someone harmed by an LPO; that LLLT license fees be aligned with lawyer license fees, with the possibility that the increase be staggered. Treasurer Risenmay noted that the Budget and Audit Committee was continuing to prepare the budget for the next fiscal year and, while the Board's input is appreciated, the Committee's intention was to use the fees proposed in these meeting materials to calculate the draft FY2019 budget that would be before the Board at its July 2018 meeting. He emphasized that the Committee wants to be transparent with the Board, but that it has an obligation to move forward.

REQUEST FROM GOVERNOR JAY INSLEE

President Pickett advised that Governor Inslee had requested recommendations from the WSBA's Judicial Recommendation Committee, and in order to meet the deadline, the Committee would need to meet the candidate on June 7, 2018. He requested that the Board approve the Executive Committee review and approve the Judicial Recommendation Committee recommendation sometime after the June 7 meeting. Governor Risenmay moved to approve President Pickett's request. Motion passed unanimously. Governor Sciuchetti was not present for the vote.

APPROVE ADDITION OF NEW GOVERNORS WORK GROUP CHARTER AND ROSTER – Governor Alec Stephens and Governor Dan Bridges

Governor Bridges moved to adopt the Charter as contained in the meeting materials with the proviso that he and Governor Stephens would provide a roster for approval by President Pickett. Motion passed unanimously. Governor Sciuchetti was not present for the vote.

APPROVE PRESIDENT-ELECT SELECTION WORK GROUP CHARTER AND ROSTER – Governor Chris Meserve

Governor Meserve moved to adopt the Charter as contained in the meeting materials and advised that she would provide a roster for approval by President Pickett. Motion passed unanimously. Governor Sciuchetti was not present for the vote.

President Pickett noted that the following items would be set over to the July 17-18, 2018, Board meeting: Continued Discussion of Referendum Process Review Work Group Recommendations; Governor Roundtable; and Generative Discussion re Entity Regulation.

ADJOURNMENT

There being no further business, the Public Session portion of the meeting was adjourned at 5:10 p.m. on Friday, May 8, 2018.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Public Session Minutes

By Phone

June 25, 2018

The Special Meeting Public Session of the Board of Governors of the Washington State Bar Association (WSBA) by phone was called to order by President Bill Pickett on Monday, June 25, 2018, at 9:47 a.m. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
James K. Doane
Angela M. Hayes
Kim E. Hunter
Jean Y. Kang
Athanasios P. Papailiou
G. Kim Risenmay
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were President-elect Rajeev Majumdar, Immediate Past-President Bill Hyslop, Executive Director Paula Littlewood, Assistant General Counsel Julie Shankland, Chief Regulatory Counsel Jean McElroy, Chief Disciplinary Counsel Doug Ende, Director of Human Resources Frances Dujon-Reynolds, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane.

ELECT DISTRICT 2 GOVERNOR

Candidate Carla Higginson presented her vision to the Board and responded to questions from the Board, then hung up the phone so the Board could have a discussion and vote. President Pickett announced that the canvassers would be Executive Director Paula Littlewood, Chief Regulatory Counsel Jean McElroy, and Chief Communications and Outreach Officer Sara

Niegowski. A confidential and anonymous vote was taken online using Survey Monkey. Ms. Higginson was announced as the District 2 Governor to fill the remaining term of the seat vacated by President-elect Majumdar. The Honorable Chris Lanese swore in Ms. Higginson.

APPROVE MARCH 19, 2018, SPECIAL MEETING PUBLIC SESSION MINUTES

President Pickett advised that the March 19, 2018, Special Meeting Public Session Minutes were pulled from the Consent Calendar at the May 17-18, 2018, Board meeting by Governor Risenmay, but were not discussed at the May meeting. Governor Risenmay explained that he pulled these Minutes from Consent because he felt the draft did not adequately cover the four motions he had made in conjunction with the Plan of Action regarding the three new Governor seats and that the suggestions he wanted to make add clarification to the Minutes. It was the consensus of the Board to move this item to the July 27-28, 2018, Board meeting.

ADJOURNMENT

There being no further business, the Special Meeting Public Session was adjourned at 10:44 a.m. on Monday, June 25, 2018.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

EXECUTIVE DIRECTOR'S REPORT July 20, 2018

Food Lifeline's Food Frenzy Kicks Off in July

Continuing a several-year tradition, WSBA is participating once again in Food Lifeline's annual Food Frenzy. The Food Frenzy kicked off on July 13th and runs through July 27th. WSBA staff who are leading our efforts again this year are Sherry Lindner from the Office of General Counsel and Jon Dawson from IT. There is an ambitious goal this year of \$7,000. Efforts include cash donations, food donations, and staff teams going to the Food Lifeline warehouse to pack food. For those on the Board who would like to contribute to WSBA's efforts, you can help us reach (and exceed!) WSBA's goal for this year by donating at <https://www.crowdrise.com/washington-state-bar-association>.

And the WSBA 2018 APEX Award Goes to . . .

At the May 17-18 Board of Governors meeting, the Board approved the slate of recommendations from the Awards Committee for the following WSBA Acknowledging Professional Excellence award categories:

Angelo Petrucci Award for Lawyers in Government Service: Leslie E. Reardanz III

Award of Merit: Spokane Community Court

Excellence in Diversity Award: Hon. Bonnie Glenn

Legal Innovation Award: Project Safety

Lifetime Service Award: Milton G. Rowland

Norm Maleng Leadership Award: Joan Barbara Kleinberg

Outstanding Judge Award: Hon. Bruce A. Spanner

Outstanding Young Lawyer: Annalise Martucci

Pro Bono and Public Service Award (Individual): Edward "Eddie" Morfin

Pro Bono and Public Service Award (Group): Law Offices of Carol L. Edward

Professionalism Award: Mark Johnson

Congratulations to all of the award recipients! We're excited to celebrate them at our annual dinner on September 27th at the Sheraton Seattle Hotel.

Update on Inactive Status for Judges and Military Spouses

In response to member feedback, regulatory services staff are working on two possible changes to the Bylaws and court rule. The first suggested changes would be for a possible Bylaw change that would allow for a new type of Inactive status for retired judges. This work is the result of a request from judges in King County, and would be designed to assist courts in identifying retired judges who could provide qualified and experienced pro tem judicial service. The second recommendation relates to a military spouse admission rule, as requested by many groups, in an effort to assist military families dealing with repeated moves due to one spouse's military career. The draft ideas currently being worked on would identify an additional process for admission by motion for lawyers who have already been licensed in another US jurisdiction and who are the spouse of someone currently serving in the military and stationed in Washington. Under the current admission rules, many such spouses can waive into the Washington bar, but a small number of applicants who already are licensed in another state but a) did

not have to take the UBE to get licensed or are three years beyond the Uniform Bar Exam so can't transfer their UBE score for admission, or b) did not spend three out of the last five years in the active practice of law cannot waive into Washington. The proposed rule would fill these gaps.

WSBA Celebrates the First Five Years of Its Inside Out Diversity Plan

On June 6, WSBA celebrated five years since the Board of Governors adopted the Diversity and Inclusion plan. The theme of the celebration was "The Path Forward." Over 400 participants joined the webcast for the event and 84 registered to attend in person. The celebration included receptions in Seattle and Spokane, as well as a free CLE featuring an all-star lineup of speakers, including Rima Alaily, Microsoft Corporation – Law and Corporate Affairs; Michele Storms, Deputy Director ACLU WA; Pallavi Wahi, Managing Partner Seattle Office of K&L Gates; and Justice Steven Gonzalez, Washington Supreme Court. WSBA Diversity Work Study Intern Sierra Suafoa-McClain presented data on our statewide diversity mapping project and Stephan Yhann J.D. Candidate, Class of 2018 University of Washington School of Law produced a video presentation of law students discussing facilitators and barriers to developing inclusive practices and relationships. Attached here please find the *Statewide Diversity and Inclusion Mapping Summary Report*

Marketing Tool for Members on Track: "Opt-In" Directory Development Proceeding

Testing of a new "opt-in" member directory is on track to be first tested in September. Members will choose to participate in the directory if they want to show up in targeted searches by prospective clients. The directory will allow users to make a series of selections about their legal problem, location, preferred fee structure, and other criteria to find legal professionals who match their needs. Our user research will include focus groups throughout the state to ensure the language and legal services we include in the directory make sense to the public. Staff are currently solidifying the design specifications and data fields for the directory, which WSBA developers will use throughout August to build the directory to a test phase. We expect to ask stakeholders such as leaders in the Solo and Small Practice Section to go through the options and interface at that point before launching for all members. Our goal is that members will be able to "opt in" and fill out the expanded fields when they log in to MyWSBA to complete licensing. With a robustly populated directory, we will launch a public campaign early next year to drive users to the site.

Ongoing Member Perception Survey

We have just completed our inaugural quarter of member-perception telephone surveying and have launched into our second quarter. This survey is ongoing, with at least 105 (90 percent confidence level, 8 percent margin of error) calls completed each quarter to randomly selected members. The goal is to better understand members' perception of WSBA's services and programs, to show trends over time, and to improve operations and communications. Our first quarter was abbreviated (calls started May 1) while we worked out logistics and trained employees to make the calls; thirteen employees completed calls with 75 members. A quick snapshot:

- The demographics included a good mix of different practice type and sizes, Congressional districts, and ages. Respondents self-reported as predominantly White/Caucasian (88 percent).
- 55 percent of respondents had a positive perception of WSBA, 37 percent had a neutral perception, and 8 percent had a negative perception.
- 73 percent of respondents were satisfied with their level of engagement with WSBA, 18 percent were unsure, and 9 percent were not satisfied. 85 percent reported understanding the many ways to be engaged.
- The predominant sources of WSBA information for members are *NWLawyer* and WSBA email.
- We got high marks (an A or B) by the vast majority for upholding high-quality standards (88 percent); providing high-quality CLEs (86 percent); and supporting diversity and inclusion in the

legal profession (75 percent). For all mission-related questions, our scores of D or F were between 2 and 5 respondents (3 to 6 percent). The highest “I don’t know” responses—indicating we need to provide more information—were for “preparing the legal profession for the future” (28 percent), “providing high-quality professional programs and services” (49 percent), and “helping members expand access to justice in their communities” (33 percent).

Next up: The Outreach and Engagement team is developing a template for a quarterly report that will provide an overview of the calls for that quarter, show trends from past quarters, and quantify the types of member outreach and engagement happening organization wide. The report will be posted online after it goes before the board. We will also review all the comments internally and use them to respond in targeted and systematic ways (e.g., we hope to see an improvement in the “helping members expand access to justice in their communities” after an entire *NWLawyer* focused on ATJ this fall).

Executive Director Activity Report (attached)

WSBA Demographics Report (attached)

Correspondence and Other Informational Items (attached)

Summary of WSBA Outreach Visits (attached)

Media Contacts Report (attached)

Update on Various Court Rules (attached)

Celebrating **5 Years!** of Commitment to Diversity

2018 marks five years since the Washington State Bar Association Board of Governors adopted the WSBA's Diversity and Inclusion Plan, and we are proud of the progress that has been made. Since that time we have reached thousands of people across Washington through these events:



33

Community
Networking
Events



6

Receptions for incoming
law students from the
Seattle University
ARC program



14

CLEs, including 6 Legal
Lunchbox CLEs
focusing on issues
surrounding
diversity



3

Experience
Exchange
mentorship
events



57

Diversity Trainings for
legal professionals
held throughout
the state



3

Beyond the Dialogue
panel discussions on
current events
relating to
diversity

Thanks to **K&L Gates** and the **Costco Wholesale Executive Matching Program** for their sponsorship of the five-year diversity celebration.

Tax-deductible donations to the Washington State Bar Foundation support the WSBA's Diversity & Inclusion programs.

Give today www.wsba.org/foundation



**WASHINGTON STATE BAR
FOUNDATION**



Washington State Bar Association

Statewide Diversity and Inclusion Mapping Summary Report

In 2016, the Washington State Bar Association and Puget Sound Administration of Legal Administrators (PSALA) partnered to explore the scope of diversity, equity, and access to justice initiatives in Washington's legal profession.

Fifty nine legal organizations responded to the seven-question survey, which was aimed at identifying existing diversity and inclusion (D&I) efforts in Washington; the geographical reach of those efforts, and the logistics behind them, such as whether respondents have an existing diversity and inclusion plan. The survey also helped identify gaps in services as well as opportunities for further collaboration and partnerships.

About the Survey

The goal of the survey is to develop a comprehensive map of inclusion, equity, and access to justice efforts as they exist within the Washington legal profession, and use that information to educate others and continue raising awareness around issues of diversity and inclusion.

The survey was first sent to 113 organizations and legal representatives to identify the location and types of diversity and inclusion programs and services provided across the state. The following year we broadened that scope, sending the survey to an additional 196 people who represent 172 legal firms/organizations.

Out of the total 285 organizations, there were 59 respondents. The survey consisted of seven questions:

1. Name of your organization or firm:
2. What cities or counties are your services offered in?
3. Do you have a diversity and inclusion plan? If so, what are the high level goals and objectives?
4. What diversity and inclusion focused services or programs do you offer?
5. Who is your target population/audience? For example: students, attorneys, clients etc...
6. What type of research would help support your organization's diversity and inclusion efforts?
7. Would your organization support the creation of a diversity and equity think tank focused on the development of equity centered policy and best practices for WA state legal profession?

Key Findings

Of the responses received, we identified several key trends about diversity and inclusion in Washington.

- **D&I Plans are Limited:** 61 percent of the responding legal organizations reported that they do not have a diversity and inclusion plan.
- **Centralized D&I Resources are Needed:** 71 percent of respondents support a community-led Inclusion and Equity Think Tank focused on the development of equity-centered policy and best practices.
- **There is Regional Reach:** 46 percent of respondents operate statewide, while another 17 percent operate in more than one Washington county.

Regarding D&I programs, the top five reported programs were None, Equity & Inclusion Education, Sponsorship/Programming, Mentorships, and Scholarships/Grants.

Thirty three respondents identified their target audience as attorneys, which was the most common response. This was followed by students (27 respondents), and specifically law students; and clients (18 respondents). The remaining organizations said they target staff (9 respondents), followed by legal professionals (8 respondents) including judges, court officials, and leadership. (Some respondents specifically reported that they target one of those populations, but not all.)

D&I Needs in the Legal Profession

There was widespread support for a think tank. Only three respondents said they would not support a think tank, three others were neither for nor against it, and four respondents did not answer. Eleven other respondents said they would possibly be in support if they have more information, and 45 respondents responded yes, they would support a think tank.

When asked what types of supportive research the respondents felt would benefit their D&I effort:

- 16 reported that there is no research that they need from the WSBA
- 15 responded that they would benefit from best practices, and 10 reported demographic information.
- 10 respondents said they'd benefit from research that offers opportunities and practicable methods to implement, and 8 reported that research on retention would be beneficial to them.

Respondents were also asked to report the high level goals of their organization based on whether they have a D&I plan. Those without plans largely reported that one of their goals includes fostering diversity and inclusion. Answers varied from organizations who reported having a D&I goal specifically internally (6), externally (2), or unspecified (2). Seven participants reported that they had no high-level goals, and another seven reported that one high level goal is recruitment that increases diversity in the legal field.

The respondents with D&I plans reported the following high-level goals.

- 14 participants said that one high level goal is recruiting
- 7 reported retention as a goal (this is significant considering that 8 respondents reported that research on retention would be beneficial).
- 13 participants said that they have goals to promote diversity and inclusion. Their goals mainly involve a desire to create a diverse and inclusive workplace. However, some people reported specifically that they wanted to create this space through cultural competency, and inclusive language.
- 6 respondents also said that they hold goals related to equity and inclusion. These answers hovered around eliminating barriers for underrepresented populations, addressing implicit bias, and racial inequity in the workplace.

Next Steps

Based on information gathered from the first two rounds of surveys, the WSBA has begun initial scoping on a community-led Inclusion and Equity Think Tank to identify trends and best practices. We continue to gather additional survey results to refine the mapping of D&I efforts, plans, and needs throughout the state. To volunteer to help with the think tank, or to complete the survey, please contact diversity@wsba.org.

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director

Paula C. Littlewood, Executive Director

ACTIVITY REPORT

Paula C. Littlewood

May 18, 2018 – July 28, 2018

Current Service on Boards and Committees

Local: University of Washington School of Law Leadership Council, Executive Committee Member; University of Washington School of Law Public Interest Law Association Board of Advisors.

National: Institute for the Advancement of the American Legal System (IAALS) Board of Advisors.

International: International Institute of Law Association Chief Executives (IILACE), Vice President.

Meetings with Other WSBA and External Constituents

Board for Judicial Administration Meetings	June 15
Legal Community Leaders	15
New Lawyers and Law Students	7

WSBA- and BOG-Related Meetings:

BOG Committee on Mission Performance and Review	July 2
BOG Executive Committee Meeting	July 2
BOG Retreat and Meeting	July 26-28
BOG Personnel Committee Meeting	2
BOG President Weekly Calls	10
BOG Special Meeting	June 25
New Governor Orientation	July 18
Practice of Law Board Meeting	June 21
Washington State Bar Foundation Executive Committee Conference Call and Meeting	2
WSBA Budget and Audit Committee Meeting	June 18
Other	7

Staff-Related Meetings:

All-Staff Meeting	2
Coffees with New Staff	3
Employee Appreciation Lunch	June 5

Employee Appreciation Breakfast	June 6
Employee Appreciation Giveaway	June 7
Executive Management Team Meetings	9
Executive Management Team Retreat	June 19
Food Frenzy Volunteering at Food Lifeline	July 5
Food Frenzy Dessert Trolley	July 17
Food Frenzy Trivia	July 25
Management Culture and Norms Training with New Staff	May 30
R.A.P. (Random Acts of Pizza)	June 27
S.A.F.E. (Staff Advocacy Forum for Employees)	2
Weeklies with Staff Direct Reports	45
Other	15

National/International-Related Meetings:

International Institute of Law Association Chief Executives (IILACE) Executive Committee Conference Calls	4
Western States Bar Conference (WSBC) Conference Call with New Leadership	July 5

Presentations

Future of the Profession Presentation at 2018 Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) Western Region	May 23-24
Welcome & Introduce Keynote at Experience Exchange at K&L Gates	May 31
Future of the Profession Presentation at District and Municipal Court Judges Association (DMCJA) Luncheon in Chelan	June 4
Welcome at ARC Reception at WSBA	July 10
Welcome at WSBA Orientation to the Law Student Representatives	July 13
Coordinated Discipline Update at Character and Fitness Board Meeting	July 13
Professionalism Presentation for Students at University of Washington School of Law in Kimberly Ambrose' class with Hunter Abell	June 27

Organizational Events

KCBA-WSBA Leadership Luncheon	May 22
Sustaining Justice Through Innovation Summit & Reception in Vancouver, WA	May 23-24
WSBA Diversity 5-Year Celebration	June 6
KCBA Annual Awards Dinner	June 18

WSBA Member* Demographics Report 7/3/18 3:24:11 PM GMT-07:00

By Years Licensed		By Firm Size		By Practice Area		By Languages Spoken	
Under 6	8,419	Solo	5,967	Administrative-regulator	2,316	Afrikaans	6
6 to 10	5,480	Solo in Shared Office or	1,739	Agricultural	231	Akan /twi	4
11 to 15	5,571	Government/ Public Secto	5,212	Animal Law	115	Albanian	2
16 to 20	4,577	In House Counsel	3,047	Antitrust	303	American Sign Language	14
21 to 25	4,049	2-5 Lawyers in Firm	5,018	Appellate	1,680	Amharic	16
26 to 30	3,482	6-10 Lawyers in Firm	2,176	Aviation	168	Arabic	53
31 to 35	3,026	11-20 Lawyers in Firm	1,579	Banking	461	Armenian	6
36 to 40	2,469	21-35 Lawyers in Firm	952	Bankruptcy	1,094	Bengali	11
41 and Over	2,765	36-50 Lawyers in Firm	722	Business-commercial	5,364	Bosnian	8
Total: 39,838		51-100 Lawyers in Firm	752	Civil Litigation	5,532	Bulgarian	13
		100+ Lawyers in Firm	2,342	Civil Rights	1,093	Burmese	2
				Collections	616	Cambodian	6
				Communications	234	Cantonese	94
				Constitutional	663	Cebuano	3
				Construction	1,370	Chamorro	4
				Consumer	815	Chaozhou/chiu Chow	1
				Contracts	4,341	Chin	3
				Corporate	3,585	Croatian	19
				Criminal	4,019	Czech	7
				Debtor-creditor	1,048	Danish	18
				Disability	715	Dari	3
				Dispute Resolution	1,396	Dutch	23
				Education	502	Egyptian	2
				Elder	979	Farsi/persian	57
				Employment	2,940	Finnish	7
				Entertainment	329	French	695
				Environmental	1,340	French Creole	2
				Estate Planning-probate	3,649	Fukienese	4
				Family	3,002	Ga/kwa	2
				Foreclosure	576	German	427
				Forfeiture	92	Greek	28
				General	2,942	Gujarati	15
				Government	2,878	Haitian Creole	2
				Guardianships	939	Hebrew	38
				Health	990	Hindi	87
				Housing	324	Hmong	1
				Human Rights	332	Hungarian	13
				Immigration-naturaliza	1,044	Ibo	4
				Indian	622	Icelandic	2
				Insurance	1,784	Ilocano	9
				Intellectual Property	2,287	Indonesian	11
				International	940	Italian	147
				Judicial Officer	393	Japanese	209
				Juvenile	935	Kannada/canares	4
				Labor	1,195	Khmer	1
				Landlord-tenant	1,406	Kongo/kikongo	1
				Land Use	856	Korean	228
				Legal Ethics	296	Lao	6
				Legal Research-writing	772	Latvian	6
				Legislation	423	Lithuanian	4
				Litigation	4,675	Malay	3
				Lobbying	177	Malayalam	9
				Malpractice	809	Mandarin	333
				Maritime	312	Marathi	5
				Military	383	Mongolian	2
				Municipal	978	Navajo	1
				Non-profit-tax Exempt	632	Nepali	3
				Not Actively Practicing	1,749	Norwegian	37
				Oil-gas-energy	224	Not_listed	32
				Patent-trademark-copyr	1,331	Oromo	3
				Personal Injury	3,450	Other	23
				Real Property	2,605	Pashto	1
				Real Property-land Use	2,391	Persian	22
				Securities	820	Polish	33
				Sports	159	Portuguese	120
				Subrogation	103	Portuguese Creole	1
				Tax	1,361	Punjabi	56
				Torts	2,201	Romanian	20
				Traffic Offenses	750	Russian	228
				Workers Compensation	757	Samoan	9
						Serbian	18
						Sign Language	8
						Singhalese	22
						Slovak	2
						Somali	1
						Spanish	1,767
						Spanish Creole	8
						Swahili	3
						Swedish	52
						Tagalog	65
						Taishanese	2
						Taiwanese	18
						Tamil	9
						Telugu	3
						Thai	14
						Tigrinya	3
						Tongan	1
						Turkish	10
						Ukrainian	40
						Urdu	38
						Vietnamese	85
						Yoruba	9
						Yugoslavian	2

Respondents	29,506
No Response	10,332
All Member Types	39,838

By Ethnicity	
American Indian / Native America	251
Asian	1,433
Black/African descent	641
Caucasian/White	23,957
Multi Racial	793
Not Listed	181
Pacific Islander	58
Spanish/Hispanic/Latina/o	694
Respondents	28,008
No Response	11,830
All Member Types	39,838

By Gender	
FEMALE	12,153
MALE	17,226
Respondents	29,379
No Response	10,459
All Member Types	39,838

By Disabled Status	
N	18,060
Y	953

By LGBT	
N	17,877
Y	1,034

By Age	All	Active
21 to 30	1,952	1,883
31 to 40	9,113	8,164
41 to 50	9,640	7,967
51 to 60	8,678	6,854
61 to 70	7,698	5,823
71 to 80	2,205	1,486
Over 80	552	122
Total:	39,838	32,299

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

WSBA Member* Licensing Counts 7/3/18 3:25:17 PM GMT-07:00

Member Type	In WA State	All	By District		By State and Province		By WA County		By Admit Yr		
				All	Active						
Attorney - Active	25,975	32,299				Alabama	26	Adams	14	1940	3
Attorney - Emeritus	111	116				Alaska	199	Asotin	28	1941	2
Attorney - Honorary	344	389	0	2,373	1,592	Alberta	8	Benton	315	1942	1
Attorney - Inactive	2,338	5,412	1	2,901	2,398	Arizona	330	Chelan	225	1944	1
Judicial	613	638	2	1,963	1,585	Arkansas	16	Clallam	146	1945	1
LLLT - Active	34	34	3	2,050	1,729	Armed Forces Americas	4	Clark	720	1946	2
LLLT - Inactive	3	3	4	1,351	1,139	Armed Forces Europe, Middle East	25	Columbia	5	1947	6
LPO - Active	772	783	5	3,147	2,556	Armed Forces Pacific	20	Cowlitz	124	1948	8
LPO - Inactive	153	164	6	3,209	2,693	British Columbia	94	Douglas	23	1949	18
	30,343	39,838	7N	5,317	4,530	California	1,699	Ferry	13	1950	16
			7S	7,016	5,792	Colorado	237	Franklin	46	1951	27
			8	2,153	1,830	Connecticut	50	Garfield	2	1952	27
			9	4,834	4,099	Delaware	4	Grant	106	1953	26
			10	2,809	2,356	District of Columbia	332	Grays Harbor	96	1954	29
				39,123	32,299	Florida	241	Island	125	1955	20
						Georgia	85	Jefferson	86	1956	40
						Guam	19	King	13,879	1957	32
						Hawaii	142	Kitsap	659	1958	39
						Idaho	407	Kittitas	71	1959	40
						Illinois	152	Klickitat	22	1960	32
						Indiana	36	Lewis	90	1961	29
						Iowa	28	Lincoln	12	1962	35
						Kansas	28	Mason	88	1963	33
						Kentucky	25	Okanogan	88	1964	41
						Louisiana	53	Pacific	24	1965	57
						Maine	12	Pend Oreille	17	1966	62
						Maryland	117	Pierce	1,947	1967	62
						Massachusetts	82	San Juan	62	1968	95
						Michigan	68	Skagit	241	1969	105
						Minnesota	99	Skamania	15	1970	114
						Mississippi	4	Snohomish	1,387	1971	121
						Missouri	63	Spokane	1,512	1972	189
						Montana	163	Stevens	43	1973	285
						Nebraska	15	Thurston	1,374	1974	277
						Nevada	137	Wahkiakum	8	1975	339
						New Hampshire	8	Walla Walla	96	1976	412
						New Jersey	64	Whatcom	503	1977	408
						New Mexico	60	WHATCOM	1	1978	463
						New York	239	Whitman	70	1979	500
						North Carolina	73	Yakima	395	1980	516
						North Dakota	9			1981	550
						Northern Mariana Islands	7			1982	526
						Nova Scotia	1			1983	563
						Ohio	68			1984	642
						Oklahoma	25			1985	455
						Ontario	13			1986	699
						Oregon	2,637			1987	616
						Pennsylvania	71			1988	589
						Puerto Rico	2			1989	621
						Quebec	1			1990	760
						Rhode Island	13			1991	752
						Saskatchewan	1			1992	746
						South Carolina	26			1993	787
						South Dakota	6			1994	810
						Tennessee	52			1995	819
						Texas	338			1996	767
						Utah	169			1997	857
						Vermont	18			1998	808
						Virginia	275			1999	850
						Virgin Islands	1			2000	864
						Washington	30,343			2001	926
						West Virginia	7			2002	1,003
						Wisconsin	44			2003	1,028
						Wyoming	18			2004	1,046
										2005	1,068
										2006	1,101
										2007	1,175
										2008	1,094
										2009	999
										2010	1,085
										2011	1,062
										2012	1,104
										2013	1,240
										2014	1,363
										2015	1,628
										2016	1,320
										2017	1,396
										2018	620

<

Misc Counts

All License Types **	40,117
All WSBA Members	39,838
Members in Washington	30,343
Members in western Washington	21,575
Members in King County	13,879
Members in eastern Washington	3,103
Active Attorneys in western Washington	18,394
Active Attorneys in King County	12,227
Active Attorneys in eastern Washington	2,526
New/Young Lawyers	6,824
MCLE Reporting Group 1	10,568
MCLE Reporting Group 2	11,059
MCLE Reporting Group 3	11,051
Foreign Law Consultant	19
House Counsel	250
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	279	278
Alternative Dispute Resolution Section	352	382
Animal Law Section	107	118
Antitrust, Consumer Protection and Unfair Business Practice	220	212
Business Law Section	1,276	1,383
Cannabis Law Section	63	
Civil Rights Law Section	172	202
Construction Law Section	511	526
Corporate Counsel Section	1,084	1,162
Creditor Debtor Rights Section	516	550
Criminal Law Section	416	537
Elder Law Section	658	709
Environmental and Land Use Law Section	794	839
Family Law Section	1,140	1,290
Health Law Section	386	415
Indian Law Section	322	337
Intellectual Property Section	890	990
International Practice Section	243	278
Juvenile Law Section	204	218
Labor and Employment Law Section	992	1,048
Legal Assistance to Military Personnel Section	99	100
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	116	136
Litigation Section	1,036	1,187
Low Bono Section	102	132
Real Property Probate and Trust Section	2,338	2,389
Senior Lawyers Section	269	300
Solo and Small Practice Section	944	1,036
Taxation Section	659	665
World Peace Through Law Section	102	116

* Per WSBA Bylaws 'Members' include active attorney, emeritus pro-bono, honorary, inactive attorney, judicial, limited license legal technician (LLLT), and limited practice officer (LPO) license types.

** All license types include active attorney, emeritus pro-bono, foreign law consultant, honorary, house counsel, inactive attorney, indigent representative, judicial, LPO, and LLLT.

*** The values in the All column are reset to zero at the beginning of the WSBA fiscal year (Oct 1). The Previous Year column is the total from the last day of the fiscal year (Sep 30). WSBA staff with complimentary membership are not included in the counts.



MEMBERS

Francis Adewale
Judge Laura T. Bradley
Hon. Frederick P. Corbit
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Hon. David S. Keenan
Lindy Laurence
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Salvador A. Mungia
Mirya Muñoz-Roach
Geoffrey G. Revelle, Chair
Andrew N. Sachs

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice

MEMBER

May 21, 2018

Senator Patty Murray
154 Russell Senate Office Building
Washington, D.C. 20510

950 Pacific Ave., Ste. 650
Tacoma, WA 98402

RE: Public Service Loan Forgiveness

Dear Senator Murray:

At the April Washington State Access to Justice Board meeting, the Board voted unanimously to urge Congress to continue the Public Service Loan Forgiveness program. In Washington State approximately 80% of our residents, who have legitimate civil legal problems, can't get help because there are not enough available resources. There is no one program that will close the access to justice gap. Instead, we have to rely on a myriad of programs and resources such as federal and state funding, funding from private donations from lawyers and law firms, and pro bono work by attorneys and legal staff. The PSLF is one more resource that aids in closing the access to justice gap and we urge you to do what you can to see that the program continues to exist.

As I am sure you know, the cost of law school continues to increase annually leaving law school graduates with debts of often over \$100,000 and more. Even though many of these graduates went to law school to work in public service, e.g., civil legal aid, public defenders, and prosecuting attorneys, they find they cannot accept these positions because of their high debt load. The PSLF program is an important tool in promoting public service work.

The PSLF program's requirements are rigorous for the participants and fair to the taxpayers. In order to obtain loan forgiveness, an individual must have provided at least 10 years of service with a qualifying employer and have made 120 monthly payments on an income-driven repayment plan. It is only after repaying at least 10% of their income for at least 10 years that those who have provided public service may apply to have the balance of their federal loans forgiven.

The PSLF program makes a difference. A survey was conducted¹ that showed that 81% of respondents who were aware of the PSLF program at the time they took their job said that the program significantly influenced their decision with 51% stating they were not likely or certain not to have taken their positions but for the PSLF program. 71% of respondents who are top executives at their program consider the PSLF program to be a highly important tool for retaining experienced staff and almost two thirds believe it is important for attracting new hires. 87% of respondents stated that qualification for PSLF would make them much more likely to accept a particular job in the future and more than half would be very likely or certain to leave their jobs if the PSLF program did not exist.

The residents of Washington State benefit by having attorneys going into public service work. More Washingtonians gain access to the justice system when we have more public service attorneys. We hope that you will take action to see that this program is continued.

Very truly yours,

A handwritten signature in cursive script, reading "Geoffrey Revelle".

Geoffrey Revelle, Chair
Access to Justice Board

Cc: Paula Littlewood, Executive Director, Washington State Bar Association

¹ National Legal Aid & Defender Association. "Public Service Loan Forgiveness and the Justice System." <http://www.nlada.org/pslf-and-justice>



United States Patent and Trademark Office

Office of Policy and International Affairs

May 25, 2018

Paula Littlewood
Executive Director
Washington State Bar Association
1325 4th Ave, Suite 600
Seattle, WA 98101

Dear Paula,

On behalf of the USPTO Intellectual Property (IP) Attaché Program, I want to thank the Washington State Bar Association (WSBA) for meeting with our delegation of IP attachés on May 16.

The reception provided an excellent opportunity for the attachés to discuss international IP matters of interest with WSBA's Intellectual Property and International Practice sections.

Our discussions were productive and will inform the attachés' work on international IP issues.

Thank you for all your help in organizing this reception.

If we can be of any assistance to you and your members in the future, please feel free to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read "DK", is placed above the typed name of the sender.

Dominic Keating
Director, IP Attaché Program
United States Patent and Trademark Office



MEMBERS

Francis Adewale
Judge Laura T. Bradley
Hon. Frederick P. Corbit
Lynn Greiner
Hon. David S. Keenan
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Mirya Muñoz-Roach
Geoffrey G. Revelle, Chair
Andrew N. Sachs

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice

MEMBER

May 30, 2018

Mr. David Richardson, Treasurer
Legal Services Corporation
3333 K Street NW, 3rd Floor
Washington, DC 20007

Re: LSC Budget Request for Fiscal Year 2020

Dear Mr. Richardson:

We write on behalf of the Washington State Access to Justice Board, Equal Justice Coalition, and Legal Foundation of Washington in response to the request for written comment regarding the FY 2020 LSC budget proposal. We appreciate being included in this process, and we are always happy to provide LSC with our feedback. We strongly support LSC's continued efforts to improve access to civil legal aid for the millions in our country for whom the cost of an attorney is out of reach. Thank you for your work.

Below, you will find the information you requested – data regarding the need for LSC-funded services, knowledge of non-LSC funding for legal aid, and other data-supported observations.

The Need in Washington State

There are approximately 1.25 million people live at or below 125% of the federal poverty level and more than 2 million people, representing one-third of our state's population, live at or below 200% of the federal poverty level. Additionally, Washington's unemployment rate is higher than the national average, and racial and ethnic minorities are disproportionately and increasingly within the cohort of Washingtonians living at or below 200% of the federal poverty level. Washington's legal aid system is underfunded and, therefore, not nearly able to meet the demand for civil legal aid. According to the *2015 Washington State Civil Legal Needs Study Update*, more than 70% of low-income Washingtonians experience at least one civil legal problem each year. Currently, there is only one basic field general services legal aid attorney for approximately every 8,300 residents eligible to receive services. As you know, the federal benchmark for "minimum access" to the civil justice system is one attorney for every 5,000 who are eligible. Civil legal aid services are more critical than ever.

Non-LSC Funding in Washington State

Federal and state funding comprises approximately 75% of the annual budget for Northwest Justice Project (NJP), with state funding accounting for roughly 50%. An increase in LSC funding is vital to expanding our ability to adequately provide civil legal aid to those who need it. Federal and state funding provide NJP with stability to support necessary statewide infrastructure and field attorney presence, which provide the foundation for Washington's coordinated delivery system. Federal and state funding allow NJP to effectively carry out its organizational responsibilities under our integrated state plan to meet client needs through system-wide

centralized intake and screening, an extensive public website to provide vital legal education resources to assist unrepresented litigants, and a robust field presence to provide extended legal representation in high priority cases.

In Washington State, the Legal Foundation of Washington (LFW) administers the state's IOLTA funds. In 2007, IOLTA generated more than \$9 million. As you know, IOLTA funds have dropped substantially since then. Even with a slight recent recovery, IOLTA funds were only \$2.3 million in 2017. LFW also organizes and manages a collaborative statewide private fundraising effort known as the Campaign for Equal Justice. In 2017, the Campaign for Equal Justice raised over \$1.5 million, which LFW uses to support 17 standalone volunteer attorney programs and six staffed specialized legal aid providers in Washington State. These organizations, along with NJP, are part of a statewide network of legal aid providers, funders, and supporters known as the Alliance for Equal Justice. While this coordinated effort by our State's network of providers and funders has proven to be an efficient way to deliver high quality legal aid, there is no question that to bridge the justice gap will take substantial additional resources, including an increase in public funding through LSC.

Other Data-Supported Observations

The Washington State Supreme Court commissioned a *Civil Legal Needs Study Update* that was published in 2015. The research was conducted by Washington State University's Social and Economic Science Research Center. The study is considered to be the most methodically rigorous study of its kind in the country, and the full report can be found at <http://bit.ly/CLNSUpdate>. While some of the findings are consistent with those of the original study conducted in 2003, there are notable changes in the types and quantity of civil legal problems that Washingtonians living in poverty face. Below are some of the key findings of the *2015 Washington State Civil Legal Needs Study Update*:

- **Civil legal issues are common.** Seven in ten low-income households in Washington face at least one significant civil legal problem each year. The average number of problems per household increased from 3.3 in 2003 to 9.3 in 2014.
- **The most common problem types have changed.** Health care, consumer/finance and employment now represent the three areas with the highest percentage of problems.
- **Race, ethnicity and other personal characteristics affect the number and type of problems people have.** These personal characteristics also affect the degree to which people experience discrimination or unfair treatment and the degree to which legal help is secured.
- **Victims of domestic violence and/or sexual assault experience the highest number of problems per capita of any group studied.**
- **There is a significant legal literacy problem.** A majority of those eligible to receive services do not understand that the problems they experience have a legal dimension and that they would benefit from legal advice and/or representation.
- **The vast majority of people face their problems alone.** More than three-quarters (76%) of those who have a legal problem do not get the help they need.

In response to the findings of the *Civil Legal Needs Study Update*, our community of providers and funders came together to create the "Civil Justice Reinvestment Plan." This plan is a rational approach to addressing the needs identified in the study with the ultimate goal of reaching minimum access in Washington State. Our community has been advocating for the Washington State Legislature to fully fund the Reinvestment Plan, which essentially doubles the state's current appropriation for legal aid. In

the past two state legislative sessions, the state has taken incremental steps at funding the plan – increasing funding for civil legal aid by more than \$5 million.

Given the information that we have outlined above, we recommend that the Legal Services Corporation propose, and Congress approve, a budget of no less than \$550,000,000 – a slight increase from LSC's FY 2018 request. At this level of funding, NJP would receive a substantial grant increase that would allow it to restore lost capacity, adequately cover the increased cost of providing services, and, most importantly, serve thousands more Washingtonians in need of legal assistance. This level of funding is a critical step toward closing the justice gap in Washington State and nationally.

Additionally, given the findings of LSC's 2017 Justice Gap Report, LSC may want to consider developing its own type of "Civil Justice Reinvestment Plan" that clearly articulates the services, dollar amounts, and policies that the federal government must enact in order to make good on the promise of "justice for all."

If you have questions about the specifics of our Civil Justice Reinvestment Plan, please contact the Jay Doran of the Legal Foundation of Washington (jay@ejc.org; 206-447-8168). While we recognize the challenging federal budget situation, we urge the Legal Services Corporation to continue to educate Congress about the threat to families, communities and to the integrity of the rule of law when whole segments of our population cannot secure meaningful access to justice. We will continue to support you in this effort, and will continue working with our state's Congressional delegation on these critical issues.

Thank you again for all of your work, and please reach out with any questions.

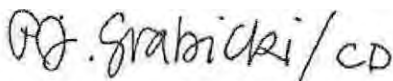
Sincerely,



Geoffrey Revelle, Chair
Washington State Access to Justice Board



Andrew Sachs, Chair
Equal Justice Coalition



Peter Jennings Grabicki, President
Legal Foundation of Washington

cc: Access to Justice Board
James J. Sandman, President, LSC
Paula Littlewood, Executive Director, Washington State Bar Association



MEMBERS

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Access to Justice Manager
(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice

MEMBER

May 31, 2018

HCA Rules Coordinator
P.O. Box 42716
Olympia, Washington 98504-2716

RE: Proposed Changes to WAC Sections 182-526-0284 and 0285

To Whom It May Concern,

We write to express our concern that proposed changes to WAC Sections 182-526-0284 (relating to orders of default) and 0285 (relating to orders of dismissal) would adversely impact low-income communities with significant civil legal needs. As a statewide entity created by the Washington Supreme Court to work for equal access to the civil justice system for those facing economic and other barriers, the Access to Justice ("ATJ") Board and its Rules Committee review regulations for their impact on low-income individuals.

The proposed WAC changes could adversely impact an already very vulnerable population. The 2015 Washington Civil Legal Needs Study revealed that nearly two-thirds of low-income households in Washington experience civil legal problems each year, with the average such household dealing with nearly ten civil legal issues. Some thirty percent of those dealing with civil legal issues are facing difficulties accessing public benefits, and access to healthcare is the single largest category of civil legal problems facing poor people in Washington.¹ Thus, any regulatory changes making it more difficult for low-income individuals to secure public benefits, particularly as those benefits relate to healthcare, have the potential to hurt communities that are already suffering. In particular, when low-income individuals lose access to public benefits, they may suffer other civil legal needs in areas such as housing, and the result is that already scarce civil legal aid resources are further taxed.

As the ATJ Board understands it, the proposed WAC changes would allow orders of default and dismissal to become final when an appellant in

¹ Washington Office of Civil Legal Aid, *Civil Legal Needs Study Update* (2015), available at http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf.

proceedings relating to Medicaid benefits fails to appear at a prehearing conference scheduled to address a petition to vacate an order of default or dismissal. Low-income parties may fail to attend scheduled hearings for any number of reasons, especially when they are not represented by counsel and may be suffering from the same circumstances that underlie their need for benefits to begin with. Where a party has failed to appear, suffers an order of default or dismissal, and petitions to vacate the order, the proposed changes may present significant challenges for low-income individuals. At the time of the prehearing conference on the petition to vacate, such individuals may be unrepresented and still struggling with the circumstances that caused them to miss their hearing to begin with; making those orders final for failure to appear at a prehearing conference may adversely impact this vulnerable population.

The ATJ Board opposes the proposed changes because those changes may hurt low-income individuals in the civil justice system. We welcome the opportunity answer any questions you have.

Sincerely,

A handwritten signature in black ink, reading "Geoffrey Revelle". The signature is fluid and cursive, with the first name "Geoffrey" and last name "Revelle" clearly distinguishable.

Geoffrey Revelle, Chair
Access to Justice Board

Cc: Paula Littlewood, Executive Director, Washington State Bar Association



PROPOSED RULE MAKING

CR-102 (December 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 15, 2018

TIME: 2:51 PM

WSR 18-07-059

Agency: Health Care Authority

☒ Original Notice

☐ Supplemental Notice to WSR _____

☐ Continuance of WSR _____

☒ Preproposal Statement of Inquiry was filed as WSR 18-01-066 ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or

☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

☐ Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

WAC 182-526-0284 Orders of default

WAC 182-526-0285 Orders of dismissal

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 24, 2018	10:00 AM	Health Care Authority Cherry Street Plaza Sue Crystal Conf Room 106A 626 8 th Ave, Olympia WA 98504	Metered public parking is available street side around building. A map is available at: https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf or directions can be obtained by calling: (360) 725-1000

Date of intended adoption: Not sooner than April 25, 2018 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: HCA Rules Coordinator

Address: PO Box 42716, Olympia WA 98504-2716

Email: arc@hca.wa.gov

Fax: (360) 586-9727

Other:

By (date) April 24, 2018

Assistance for persons with disabilities:

Contact Amber Loughheed

Phone: (360) 725-1349

Fax: (360) 586-9727

TTY: (800) 848-5429 or 711

Email: amber.loughheed@hca.wa.gov

Other:

By (date) April 20, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The agency is revising WAC 182-526-0284 to: (1) Clarify that the notice of default includes a notice of inquiry, (2) Add that an order of default becomes a final order by operation of law, (3) If an appellant fails to appear at a prehearing conference scheduled to address the petition to vacate, the order of default becomes a final order, and (4) The appellant may seek judicial review of a final order of default to the superior court.

The agency is revising WAC 182-526-0285 to: (1) Add that an order of dismissal becomes a final order by operation of law, (2) If an appellant fails to appear at a prehearing conference scheduled to address the petition to vacate, the order of

dismissal becomes a final order, and (3) add that the appellant may seek judicial review of a final order of dismissal to the superior court			
Reasons supporting proposal: See purpose			
Statutory authority for adoption: RCW 41.05.021, 41.05.160 42 CFR Part 431, Subpart E – Fair Hearings for Applicants and Beneficiaries			
Statute being implemented: RCW 41.05.021, 41.05.160			
Is rule necessary because of a: <div style="display: flex; justify-content: space-between;"> <div> Federal Law? Federal Court Decision? State Court Decision? </div> <div> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> </div>			
If yes, CITATION:			
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A			
Name of proponent: (person or organization) Health Care Authority			<input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental
Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Vance Taylor	PO Box 42716, Olympia WA 98504-2716	360-725-1344
Implementation:	Evelyn Cantrell	PO Box 42716, Olympia WA 98504-2716	360-725-9970
Enforcement:	Evelyn Cantrell	PO Box 42716, Olympia WA 98504-2716	360-725-9970
Is a school district fiscal impact statement required under RCW 28A.305.135?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, insert statement here:			
The public may obtain a copy of the school district fiscal impact statement by contacting: Name: Address: Phone: Fax: TTY: Email: Other:			
Is a cost-benefit analysis required under RCW 34.05.328?			
<input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: Address: Phone: Fax:			

TTY:
Email:
Other:

☒ No: Please explain: RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b)
(Internal government operations)

☐ RCW 34.05.310 (4)(c)
(Incorporation by reference)

☐ RCW 34.05.310 (4)(d)
(Correct or clarify language)

☐ RCW 34.05.310 (4)(e)
(Dictated by statute)

☐ RCW 34.05.310 (4)(f)
(Set or adjust fees)

☒ RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

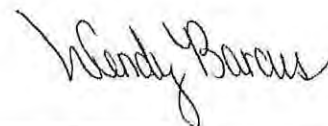
Other:

Date: March 15, 2018

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 17-05-066, filed 2/13/17, effective 3/16/17)

WAC 182-526-0284 Orders of default. (1) An order of default may be entered when the appellant fails to attend a scheduled prehearing conference or hearing. The order of default will include ((an)) a notice of inquiry as to whether the appellant wants to petition to reinstate the hearing.

(2) The appellant may file a petition to vacate an order of default under WAC 182-526-0290.

(3) An order of default becomes a final order ((dismissing)) by operation of law, disposing of the appellant's request for a hearing under RCW 34.05.440 if:

(a) The appellant does not file a petition to vacate within twenty-one calendar days of the order being served (mailed) on the parties under WAC 182-526-0290 (2) and (5)(b); or

(b) If the appellant fails to appear at a prehearing conference scheduled to address the petition to vacate under WAC 182-526-0290 (3) and (4)(a).

(4) The health care authority or managed care organization action stands after an order of default becomes a final order.

(5) The appellant may seek judicial review of a final order of default to the superior court under WAC 182-526-0640.

AMENDATORY SECTION (Amending WSR 17-05-066, filed 2/13/17, effective 3/16/17)

WAC 182-526-0285 Orders of dismissal. (1) An order of dismissal may be entered when the appellant withdraws the request for hearing under WAC 182-526-0115.

(2) An appellant may file a petition (request) to vacate an order of dismissal under WAC 182-526-0290.

(3) An order of dismissal becomes a final order ~~((if))~~ by operation of law, disposing of the appellant's request for a hearing under RCW 34.05.440 if:

(a) The appellant does not file a petition to vacate the order within twenty-one calendar days of the order being served (mailed) on the parties under WAC 182-526-0290 (2) and (5)(b); or

(b) The appellant fails to appear at a prehearing conference scheduled to address the petition to vacate under WAC 182-526-0290 (3) and (4)(a).

(4) The health care authority or managed care organization action stands after an order of dismissal becomes a final order.

(5) The appellant may seek judicial review of a final order of dismissal to the superior court under WAC 182-526-0640.



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Administration Division
PO Box 40100 • Olympia WA 98504-0100 • (360) 753-6200

June 4, 2018

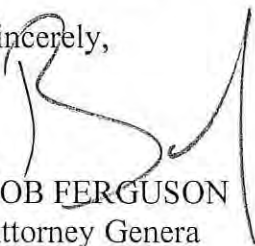
Paula Littlewood
Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Paula:

Great profile in the King County Bar Bulletin!

Thank you for your continuing leadership and service to the WSBA, the legal profession, and the community at large. As always, please contact me if I can be of assistance to you at any time.

Sincerely,



BOB FERGUSON
Attorney General

RWF/jlg

JUN 11 2018

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

June 7, 2018

Geoffrey G. Revelle
Chair, Access to Justice Board
1325 Fourth Avenue, Ste. 600
Seattle, WA 98101-2539

Re: FY18 ATJ Board Funding from the Supreme Court

Dear Geoff:

At the court's en banc conference today the justices voted to approve the ATJ Board's request to reallocate the remaining FY 18 Supreme Court funding to use as requested in the Board's letter dated May 30, 2018.

Please let me know if you have any questions or concerns.

Very truly yours,

A handwritten signature in cursive script that reads "Mary".

MARY E. FAIRHURST
Chief Justice

cc: Ramsey Radwan, Director,
AOC Management Services Division
Paula Littlewood, Executive Director, WSBA



MEMBERS

Francis Adewale
Judge Laura T. Bradley
Hon. Frederick P. Corbit
Lynn Greiner
Hon. David S. Keenan
Lindy Laurence
Michelle Lucas
Salvador A. Mungia
Mirya Muñoz-Roach
Geoffrey G. Revelle, Chair
Andrew N. Sachs

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



May 30, 2018

SENT VIA ELECTRONIC MAIL TO mary.fairhurst@courts.wa.gov

Chief Justice Mary Fairhurst
Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: FY18 ATJ Board Funding from the Supreme Court

Dear Chief Justice Fairhurst:

On behalf of the Access to Justice (ATJ) Board, I am writing to request approval of a reallocation of the remaining FY 18 Supreme Court funding.

There were a number of projected expenses that ended up costing much less than anticipated. In the attached spreadsheet, you will see that we have found savings amounting to a total of \$8,630.42. The ATJ Board respectfully requests approval for reallocation of these remaining funds for three areas of work that will be completed by June 30, 2018. The projects we propose to support are:

Support for Local & Virtual Racial Justice Learning (\$1938):

As you know, the ATJ Board is working toward implementing Goal One of the State Plan which focuses on advancing race equity. In our initial budget, we proposed spending a total of \$15,250 on this work of which \$11,500 would be used to support JustLead Washington to develop an organizational equity self-assessment and facilitate anti-racism and anti-bias trainings. JustLead is delivering on this work and leading the Alliance for Equal Justice (Alliance) in meeting its race equity goals.

As momentum builds, advocates are increasingly seeking ongoing, guided opportunities to build their racial justice competence, both individually and with others. To respond to these needs, JustLead aims to develop two pieces of infrastructure: (1) resources to support local and regional peer networks that can meet and engage in facilitated dialogue on race equity topics; and (2) an online, interactive learning platform that allows participants to join virtual cohorts who can move through a sequenced curriculum together.

The online learning platform can serve as a key tool for those advocates who are most geographically isolated as well as those who are investing in internal work like understanding implicit bias and internalized oppression. Both in-person and online approaches will be structured to support collective learning as well as opportunities for work in affinity groups based on racial identity. The total cost of this project is \$11,938; JustLead has funding for most of it but needs \$1938 to meet its funding goal. We propose to use \$1938 of our Supreme Court funding to support this project.

Community Engagement Strategy & Resource Guide Development (\$2400):

To further the goals of race equity and community engagement outlined in the State Plan, a number of Alliance organizations are seeking to apply an equity lens to community outreach and strategic planning. To respond to this need, JustLead aims to create a Community Engagement, Partnership, and Accountability resource guide and toolkit. To do this work, JustLead plans to partner with the Northwest Immigrant Rights Project and use their statewide community engagement process and equity-based strategic planning process to serve as a case study. This will inform the development of the resource guide and toolkit which will ultimately enhance statewide community partnerships and accountability for the Alliance. The total cost of this project is \$8850; JustLead has support for most of the project but needs \$2400 to meet its funding goal. We propose to use \$2400 of our Supreme Court funding to support this project.

Access to Justice in Workers' Compensation Project (\$2100):

The ATJ Board recently created a new workgroup focused on addressing access to justice issues that arise in the workers' compensation system. Specifically, the workgroup aims to gather and analyze data from the Board of Industrial Insurance Appeals and Department of Labor and Industries to determine what access to justice issues self-represented workers are encountering. The workgroup is working with a data science doctoral student at the University of Washington to analyze the data and offer objective conclusions from which to base its potential future work. We propose to use up to \$2100 of our Supreme Court funding to pay for the data analysis.

Alliance and ATJ Board Outreach (\$2192):

If the Court approves these requests, which total \$6438, that leaves a remaining balance of \$2192.42. The ATJ Board proposes to use these remaining funds for Alliance outreach. In March 2018, the ATJ Board proposed to use \$2000 of Supreme Court funding for Alliance outreach. In April 2018, the Court approved this request. So far, the Board has used \$280 towards this expense (which was spent on an exhibitor table fee at the Washington Nonprofits Conference). The ATJ Board proposes to use the remaining \$2192.42 on marketing materials for Alliance and ATJ Board outreach.

As mentioned above, all of these proposed expenses would be incurred by the end of the FY 18 fiscal year, June 30, 2018. Please let me know if these proposed funding reallocations are

approved. If you have any questions or need more information, please do not hesitate to contact me at Geoff.revelle@FisherBroyles.com or Diana Singleton, Access to Justice Manager, at dianas@wsba.org or at 206-727-8205.

Thank you for your consideration of our request.

Respectfully,



Geoffrey G. Revelle
Chair, Access to Justice Board

cc: Ramsey Radwan, Director, AOC Management Services Division
Paula Littlewood, Executive Director, WSBA

encl: FY 18 Accounting Summary

Supreme Court FY 18 Budget Worksheet

Expense

	Budget	Actual	Balance
Alliance Website Phase 1 Completion	\$ 5,881.00	\$ 5,881.00	\$ -
JustLead Development of Tool and Trainings	\$ 11,500.00	\$ 11,500.00	\$ -
Race Equity Consultant for Board	\$ 3,750.00	\$ 3,750.00	\$ -
NW Regional Outreach Event	\$ 2,000.00	\$ 698.58	\$ 1,301.42
Alliance Outreach - (Exhibitor Table)	\$ 2,000.00	\$ 280.00	\$ 1,720.00
State Plan Support Activities	\$ 4,000.00	\$ -	\$ 4,000.00
Alliance Website Update	\$ 2,119.00	\$ 510.00	\$ 1,609.00
TOTAL	\$ 31,250.00	\$ 22,619.58	\$ 8,630.42

Reallocation Requests

	Requested Amount
JustLead Support for Local and Virtual Racial Justice Learning	\$ 1,938.00
JustLead Community Engagement Strategy & Resource Guide Development	\$ 2,400.00
Access to Justice Workers' Compensation Project	\$ 2,100.00
Alliance and ATJ Board Outreach	\$ 2,192.00
TOTAL	\$ 8,630.00

Delay, Curran, Thompson, Pontarolo & Walker, P.S.

Attorneys at Law

601 West Main, Suite 1212 • Spokane, WA 99201-0635
Phone (509) 455-9500, Toll-Free Number 1-800-572-0933
Fax (509) 623-1446

Smith Tower, 506 2nd Ave., 25th Floor • Seattle, WA 98104
Phone (206) 343-8535

All Correspondence to Spokane Office

J. DONALD CURRAN
ROBERT H. THOMPSON
MICHAEL J. PONTAROLO
MICHAEL J. WALKER**
•
NICHOLAS J. PONTAROLO**
•
CLARENCE A. BOLING (1928-1977)

**Admitted in Washington & Idaho

July 3, 2018

VIA EMAIL

Ms. Paula Littlewood, Executive Director
Washington State Bar Assn.
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

Re: Inquiry Concerning RPC 1.5 (e)(2)

Dear Paula:

This is in response to your letter of June 11, 2018 and the inquiry from Seattle Attorney Rebecca J. Roe dated May 14, 2018.

The Committee on Professional Ethics has reviewed the materials and recognizes that the WSBA does not have a procedure in place to authorize or approve lawyer referral services. The CPE does not have jurisdiction to establish such a mechanism.

It is beyond the purview of the CPE to comment whether county bar associations have procedures in place to authorize lawyer referral services.

The CPE will at its next meeting in August, consider making recommendations to amend RPC 1.5 (e)(2).

Sincerely,



J. DONALD CURRAN, Chair
Committee on Professional Conduct
Washington State Bar Association

JDC:lwe

cc: Committee on Professional Ethics
Jeanne Marie Clavere, staff liaison

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

June 11, 2018

J. Donald Curran, Chair
WSBA Committee on Professional Ethics
Delay Curran Thompson Pontarolo & Walker
601 W Main Ave, Suite 1212
Spokane, WA 99201-0684

Re: Inquiry concerning RPC 1.5(e)(2)

Dear Don,

In May, WSBA received the enclosed letter from the National Crime Victim Bar Association (NCVBA) inquiring about the application of Washington's Rules of Professional Conduct (RPC) to a not-for-profit lawyer referral service seeking to refer potential clients to lawyers in Washington state.

As you can see from the letter, the NCVBA has identified Washington RPC 1.5(e)(2) as an apparent impediment to operation of a not-for-profit lawyer referral service, at least insofar as the lawyer referral service is not "duly authorized" by WSBA or a county bar association. The language of RPC 1.5(e)(2) is as follows:

A division of a fee between lawyers who are not in the same firm may be made only if . . .

(2) the division is between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or of one of the county bar associations of this state.

WSBA staff in the Office of General Counsel and the Office of Disciplinary Counsel have reviewed the NCVBA letter and the history of RPC 1.5(e)(2) and shared the following preliminary observations:

- RPC 1.5(e)(2) is Washington specific. It is not found in the ABA Model Rules of Professional Conduct. It was adopted in 1985 when the Washington Supreme Court first adopted the RPC. The language was added by the RPC Task Force at the behest of lawyer referral services, because "the prohibition against splitting fees apparently adversely impacted the referral services' ability to make referrals."
- The location of the provision in RPC 1.5 is anomalous, in that the ethical impediment affecting lawyer referral services is not the restriction on a "division of a fee between lawyers," but rather the restriction of fee-sharing with a nonlawyer in RPC 5.4(a).
- In 2012, the WSBA RPC Committee interpreted the "duly authorized" language to mean "some kind of affirmative approval by the Washington Bar Association, or by one of the county bar associations of this state." It went on to add that "This committee does not have the power to grant such approval, and it does not have any special insights to offer the inquirer on how to obtain such approval." WSBA Ethics Advisory Op. 2227 (2012). WSBA does not have any mechanism in place to "authorize" lawyer referral services.
- A number of states currently authorize the sharing of fees between a lawyer and a not-for-profit lawyer referral service as an express exception to the fee-sharing prohibition in RPC 5.4(a).

With these observations in mind, I am hoping that the CPE can review the NCVBA letter and the pertinent Rules of Professional Conduct and recommend an appropriate response, including a recommendation about whether RPC 1.5(e)(2) should be amended and/or relocated to clarify the circumstances in which not-for-profit lawyer referral services such as NCVBA may operate in Washington state.

I look forward to receiving the CPE's recommendation. Let me know if you have any questions about this request. Once again, I thank you for your service as CPE Chair.

Sincerely,



Paula C. Littlewood

Enclosure

cc: William D. Pickett, WSBA President
Jeanne Marie Clavere, WSBA Professional Responsibility Counsel



SCHROETER
GOLDMARK
BENDER

ESTABLISHED 1969

roe@sgb-law.com

May 14, 2018

Paula Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Ave.
Ste. 600
Seattle, WA 98101

Dear Ms. Littlewood:

I belong to the National Crime Victim Bar Association (NCVBA). The NCVBA is a program of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization located in Washington, D.C. The NCVBA operates a nationwide Attorney Referral Service (ARS), which refers crime victims to civil litigators who can represent them in cases against perpetrators and responsible third parties. The purpose of the ARS is to improve access to experienced legal services for victims of crime. The NCVBA only refers potential clients to qualified attorney members who have provided proof of legal malpractice insurance.

The ARS does not charge any fee to crime victims who call seeking referrals. Thus, in order to cover operation costs, the NCVBA collects referral fees from attorney members. Unless a different percentage is approved or required pursuant to state law, each member pays the ARS twenty percent (20%) of any and all fees received from all matters referred by the ARS. This percentage excludes fees that are unreasonable or in conflict with statutory or other legal provisions for the award of attorney's fees, whether those fees be required of applicants, panel members, or both. In addition, referral fees may not increase the client's costs for legal services beyond that which he or she would normally pay. This means that the referral fee we collect must be a percentage of the attorneys' fees, not the client's overall award.

The NCVBA Attorney Referral Service has been accredited by the American Bar Association. The ARS has been officially certified to collect referral fees by state bar associations in Florida, Georgia, Michigan, Missouri, Tennessee, and Texas. It is also very close to certification in several southern California counties, as California does not certify on a statewide basis. In 32 others, there is no accreditation process for nonprofit organizations that collect referral fees.

Three different Washington State Rules of Professional Conduct address a referral service's collection of a referral fee:

- Rule 1.5(e) states, "a division of a fee between lawyers who are not in the same firm may be made only if: [. . .] (iii) the total fee is reasonable; or (2) the division is

between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or one of the county bar associations of this state.”

- Rule 5.4(a) states, “A lawyer or law firm shall not share legal fees with a nonlawyer.”
- Rule 7.2(b)(2) states, “a lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of any advertisement or written communication permitted by this rule and may pay the usual charges of a not-for-profit lawyer referral service.”

In addition, Washington State Bar Association (WSBA) Opinion 2227 provides significant guidance on this issue. In particular, it states, “Rule 7.2(b)(2) does not create an exception to Rule 5.4(a) . . . the plain language of Rule 5.4(a) is clear and unequivocal . . . the prohibition against fee-splitting with a nonlawyer cannot be avoided by calling the split a ‘usual charge’ of a not-for-profit legal referral service.” It goes on to say, “Rule 1.5(e)(2) does not define the phrase ‘duly authorized referral service,’ [as] there do not appear to be any other rules or comments that define or otherwise shed light on this phrase.”

Opinion 2227 concludes by stating that a lawyer should not share a portion of his or her contingent fees with a nonlawyer referral service, *where the referral service is not recognized as a duly authorized referral service of the WSBA*. The NCVBA ARS has not been “duly authorized” by the WSBA or by any Washington county bar association.

After significant research on our part, there does not appear to be a specific process or mechanism by which the WSBA or a Washington county bar association recognizes a nonlawyer referral service as “duly authorized.” I am writing to inquire whether there is, in fact, an accreditation or recognition process in the state of Washington by which our ARS can achieve such recognition. If there is, please provide me with the steps we may take to acquire such recognition. If there is not, we would appreciate guidance as to both how a referral service such as our ARS can safely operate within the confines of Rules 1.5(e)(2) and 5.4(a) and the specific types of organizations the WSBA considers to be “duly authorized.”

Thank you for your time and consideration. We look forward to your response.

Sincerely,



REBECCA J. ROE

WASHINGTON STATE
BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

June 11, 2018

Mario L. Barnes
Professor and Senior Associate Dean for Academic Affairs
University of California, Irvine School of Law
401 E. Peltason Drive, Suite 100
Irvine, CA 92697-8000

Mario
Dear Associate Dean Barnes,

I wanted to send you a congratulatory note on your recent appointment as Dean of the University of Washington School of Law and wish you a warm welcome to our legal community!

We enjoy a strong collaboration among the law schools and the bar here in Washington state and I look forward to working with you on the exciting initiatives we've been rolling out together.

I believe you, Craig Wright, and I will get a chance to catch up over breakfast on July 25th. I look forward to continuing our engagement with the Law School in the future.

Sincerely,

Paula C. Littlewood
Paula C. Littlewood

*Looking forward to
working together!*

Delay, Curran, Thompson, Pontarolo & Walker, P.S.

Attorneys at Law

601 West Main, Suite 1212 • Spokane, WA 99201-0635
Phone (509) 455-9500, Toll-Free Number 1-800-572-0933
Fax (509) 623-1446

Smith Tower, 506 2nd Ave., 25th Floor • Seattle, WA 98104
Phone (206) 343-8535

All Correspondence to Spokane Office

J. DONALD CURRAN
ROBERT H. THOMPSON
MICHAEL J. PONTAROLO
MICHAEL J. WALKER**
•
NICHOLAS J. PONTAROLO**
•
CLARENCE A. BOLING (1928-1977)

***Admitted in Washington & Idaho*

July 3, 2018

VIA EMAIL

Ms. Paula Littlewood, Executive Director
Washington State Bar Assn.
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

Re: Comment 13 to RPC 4.2

Dear Paula:

This is to update you on consideration by the Committee on Professional Ethics regarding Comment 13 to RPC 4.2 and Justice Johnson's letter to you of May 23, 2018.

The CPE met on June 22, 2018, but lacked a quorum to conduct business. A subsequent telephonic meeting was held on July 2, 2018, and a quorum was achieved. The members considered each of the comments received by the Court during the public comment period. Ultimately, CPE members agreed that the current views of the CPE are those expressed in the GR 9 cover sheet and remain unchanged.

During its deliberations in 2016 and 2017 leading to the proposed changes, Doug Ende articulated to the Committee his opposition to the CPE's position and provided us with his rationale all of which is set forth in his letter to the Supreme Court. At its meeting on June 22, the CPE concluded that further dialogue would not alter the position of the CPE or that of Mr. Ende.

The CPE also considered attorney Lisa Dufour's email that the proposed changes not apply to pro se lawyers in family law matters. Some members of the CPE believe that in general RPC 4.2 should not apply to pro se lawyers, and there are respectable arguments for that position. The situation of pro se lawyers in a dissolution proceeding is an illustration of the problems posed by subjecting a pro se lawyer to the prohibition of RPC 4.2. However, that is not the holding of *In re Disciplinary Proceedings against Haley*, 156 Wn.2d 324. The committee was of the view that it would be ill advised to recommend carving out certain practice areas as exemptions to the holding in *Haley*. The committee was of the view that equally plausible scenarios could be given for other practice areas. The CPE specifically sought to balance concerns such as Lisa DuFour's

Ms. Paula Littlewood
July 3, 2018
Page 2

about the negative consequences of making lawyers who are litigants subject to RPC 4.2 with Mr. Ende's suggestion that the rule require lawyers who are represented to comply with RPC 4.2. After a discussion with Mr. Ende, the CPE members were not persuaded to deviate from the original recommendation.

Finally, attorney Roger Wynne's email does not contest the CPE proposal. It simply suggests some edits to make the comment more clear. The committee views the suggestions as useful and consider them friendly amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Donald Curran", is written over the typed name.

J. DONALD CURRAN, Chair
Committee on Professional Ethics
Washington State Bar Association

JDC:jre

cc: Committee on Professional Ethics
Jeanne Marie Clavere, staff liaison

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

Office of the Executive Director
Paula C. Littlewood, Executive Director

June 11, 2018

The Honorable Charles W. Johnson
Washington Supreme Court
Temple of Justice
PO Box 40929
Olympia WA 98504-0929

Re: RPC 4.2 – Communication with Person Not Represented by a Lawyer

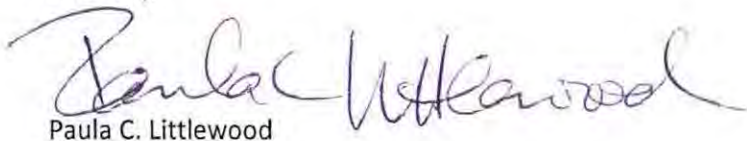
Dear Justice Johnson,

Thank you for your letter dated May 23, 2018, noting the objection expressed by the WSBA Office of Disciplinary Counsel, and asking for consideration of and response to comments the Court has received regarding concerns related to family law cases. By way of explanation, Disciplinary Counsel Ende sought, and was granted, permission from the Board of Governors to express his objection to the Court on this matter consistent with WSBA Bylaw Section IV(E).

The WSBA Committee on Professional Ethics (CPE) will meet on Friday, June 22nd, and will discuss the proposed change to RPC 4.2, the WSBA Office of Disciplinary Counsel's objection to the proposal, and the comments contained in Lisa DuFour's and Roger Wynne's emails. The result of those discussions will be sent to the Court as soon as possible after the CPE meeting.

We appreciate the opportunity to provide WSBA's perspective to the Court on this issue. Please let me know if this timeline will not meet with the Rules Committee's expectations or if you have any questions about our proposed process.

Sincerely,



Paula C. Littlewood

cc: J. Donald Curran, WSBA Committee on Professional Ethics Chair (with May 23 letter & materials)
William D. Pickett, WSBA President

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J_C.JOHNSON@COURTS.WA.GOV

May 23, 2018

MAY 29 2018

Ms. Paula Littlewood
Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Ms. Littlewood:

The Supreme Court Rules Committee is in the process of reviewing the proposed amendment to Rules of Professional Conduct (RPC) 4.2—Communication with Person Not Represented by a Lawyer and comments submitted in response to the proposed amendment. The committee has noted the unusual circumstance of having a proposal submitted by the Washington State Bar Association on the RPCs that is, in part, objected to by the Office of Disciplinary Counsel.

Additionally, another comment expresses the concerns regarding implementation of this Comment in family law cases. The committee would like your consideration of and response to the published comments. I have enclosed a copy of the comments the court received during the comment period. They are also available electronically at www.courts.wa.gov/court_rules/. The committee looks forward to reviewing the response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles W. Johnson".

Charles W. Johnson, Chair
Supreme Court Rules Committee

Enclosures

cc: Ms. Jeanne Marie Clavere, WSBA Professional Responsibility Counsel
Mr. William D. Pickett, WSBA President

WASHINGTON STATE
BAR ASSOCIATION

Office of Disciplinary Counsel

RECEIVED
APR 16 2018

Washington State
Supreme Court

Douglas J. Ende
Chief Disciplinary Counsel

April 13, 2018

Susan L. Carlson
Clerk of the Supreme Court
PO Box 4929
Olympia, WA 98504-0929

Re: Comment on Proposed Amendment to RPC 4.2

Dear Ms. Carlson:

As Chief Disciplinary Counsel of the Washington State Bar Association (WSBA), I submit the following comment on the proposed amendment to Rule 4.2 of Washington's Rules of Professional Conduct (RPC). The proposed amendment would add a new Washington Comment [13] to RPC 4.2.

In general, RPC 4.2 prohibits a lawyer, in the course of representing a client, from communicating about the subject matter of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

According to the Purpose Statement in the General Rule (GR) 9 submission,¹ one purpose of the new comment is to clarify the obligations under RPC 4.2 of a *pro se* lawyer with respect to communication with a represented person. Under this Court's holding in In re Disciplinary Proceeding Against Haley, 156 Wn.2d 324, 126 P.3d 1262 (2006), RPC 4.2 applies to restrict such communications by *pro se* lawyers. I have no disagreement with the first sentence of the proposed comment, which clarifies the interpretation of RPC 4.2 already established in Haley.

However, a related question is also addressed by this proposed comment: Whether a lawyer who is represented by counsel violates RPC 4.2 by communicating directly with another represented person in a matter. The second sentence of the proposed new comment provides

¹ The proponent of the amendment is the Washington State Bar Association. The amendment was approved for submission to the Court by the WSBA Board of Governors at its July 2017 meeting, upon recommendation of the WSBA Committee on Professional Ethics. At the July 2017 meeting, I requested and was granted leave by the Board of Governors under Section IV(E) of the WSBA Bylaws to submit, in my capacity as Chief Disciplinary Counsel, a public comment during GR 9 rulemaking in partial opposition to adoption of the proposed amendment.



that RPC 4.2 does not prohibit a represented lawyer from communicating with another represented person.

As acknowledged by the proponent's Purpose Statement, the Haley opinion did not decide whether the RPC 4.2 prohibition applies when a lawyer is represented by another lawyer and is not acting *pro se*. In my view, to permit represented lawyers to communicate with represented parties will, as frequently as not, lead to precisely the evils that RPC 4.2 is designed to prevent. As is evident from the existing commentary, Rule 4.2 is designed to protect represented persons from "possible overreaching by other lawyers who are participating in the matter, interference by those lawyers with the client-lawyer relationship, and the uncounselled disclosure of information relating to the representation." Comment [1] to RPC 4.2; *see also* T. Andrews, R. Aronson, M. Fucile & A. Lachman, The Law of Lawyering in Washington 8-41 (2012) (lawyers will often have a much more sophisticated understanding of legal issues and relevant evidence than parties do, and this knowledge might enable a lawyer to manipulate an opponent and/or obtain prejudicial admissions if the opponent's lawyer is not present). In many situations, by virtue of legal training, ability, and experience, a lawyer, whether represented or not, will be in an unfairly advantageous position when communicating with an adverse represented party who is not a lawyer.

In my opinion, as a matter of ethics policy, it would be preferable to prohibit represented lawyers from communicating with persons represented by a lawyer (without that lawyer's consent). Although in some small number of cases such an approach may deprive a represented lawyer from having a possibly beneficial opportunity to communicate with another represented party without that party's lawyer present, in other cases, it will appropriately restrain an unprincipled or exploitative represented lawyer from taking unfair advantage of another represented party. As I see it, the risk of harm in this scenario very much outweighs the likely benefit.

While the proponent's GR 9 Purpose Statement includes some authority in support of its recommended approach, it neglects to cite existing contrary authority. Although precedent in this area is sparse, the New York State Bar Association issued an opinion concluding that all lawyers, whether they are *pro se* parties, represented parties, or representatives of other parties in a matter, are subject to the restrictions of New York's Rule of Professional Conduct (NYRPC) 4.2. In reaching this conclusion, the New York State Bar Association Committee on Professional Ethics observed as follows:

Under this interpretation of Rule 4.2, the usual rights of nonlawyer parties to engage in direct communications are outweighed by the lawyer's professional obligations to the system of justice and the goal of protecting represented parties. Our view reflects the fact that lawyers, by virtue of their professional status, have a unique responsibility to the system of justice that requires them to subordinate their personal interest in having direct communications with represented individuals unless the exacting conditions stated in Rule 4.2 are satisfied.

N.Y. St. B. Ass'n, Ethics Op. 879 (2011); *see also* Vickery v. Comm'n for Lawyer Discipline, 5 S.W.3d 241, 260 (Tex. Ct. App. 1999) ("[W]e hold that an attorney's designation of counsel of record does not . . . preclude the application of Rule 4.02(a) to his actions in contacting an opposing party.").

In 2012, the State of New York codified Opinion 879 by amending NYRPC 4.2 to expressly impose the rule's restrictions on both *pro se* lawyers and represented lawyers when communicating with other represented persons. Paragraph (c) of New York's rule now provides as follows:

A lawyer who is acting *pro se* or is represented by counsel in a matter is subject to paragraph (a), but may communicate with a represented person, unless otherwise prohibited by law and unless the represented person is not legally competent, provided the lawyer or the lawyer's counsel gives reasonable advance notice to the represented person's counsel that such communications will be taking place.

NYRPC 4.2(c) (effective Dec. 20, 2012). This approach recognizes that the policy rationale underlying Rule 4.2 – to protect people who have chosen to be represented by lawyers – applies with equal force whether a lawyer is participating in a matter while acting *pro se*, while represented by his or her own counsel, or while "representing a client."

For these reasons, I respectfully urge the Court to adopt a modified version of the proposed amendment, omitting the second sentence.

If the Court concludes that such communication ought to be permitted in some circumstances, the Court should fashion appropriate safeguards for the protection of represented individuals who are not lawyers. One possible approach would be a provision in Washington's RPC 4.2 akin to New York's NYRPC 4.2(c).

I am available to answer any questions or provide additional information if the Court so requests.

Sincerely,



Douglas J. Ende
Chief Disciplinary Counsel

cc: William D. Pickett, WSBA President
J. Donald Curran, Chair, Committee on Professional Ethics
Paula C. Littlewood, WSBA Executive Director

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, December 6, 2017 8:42 AM
To: Tracy, Mary
Subject: FW: objection to Proposed RPC 4.2 change

Forwarding.

-----Original Message-----

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, December 6, 2017 8:42 AM
To: 'Lisa DuFour' <dufourli@comcast.net>
Subject: RE: objection to Proposed RPC 4.2 change

Received 12-6-17.

Supreme Court Clerk's Office

-----Original Message-----

From: Lisa DuFour [mailto:dufourli@comcast.net]
Sent: Tuesday, December 5, 2017 6:53 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: objection to Proposed RPC 4.2 change

The new proposed rule in RPC 4.2 should not apply in Family Law cases. If a person is a lawyer and pro se in a family law matter—they should still be able to communicate directly with their spouse, former spouse or parent of their children. To say they cannot communicate directly about any topic that is part of the family law matter is a huge problem and issue. I could go on at length about the problems this would cause. Please contact me if you want examples.

Thank you,
Lisa DuFour
WSBA 23871

Sent from my iPhone

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, April 30, 2018 8:43 AM
To: Tracy, Mary
Subject: FW: Proposed Comment 13 to RPC 4.2

Forwarding.

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, April 30, 2018 8:42 AM
To: 'Wynne, Roger' <Roger.Wynne@seattle.gov>
Subject: RE: Proposed Comment 13 to RPC 4.2

Received 4-30-18.

Supreme Court Clerk's Office

From: Wynne, Roger [<mailto:Roger.Wynne@seattle.gov>]
Sent: Sunday, April 29, 2018 5:27 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Comment 13 to RPC 4.2

I write in my personal capacity to offer a few editorial suggestions for proposed Comment 13 to RPC 4.2.

In the first sentence, the quotation marks around "a pro se lawyer" should be removed. It is neither a term of art nor a definition employed later in the rules.

In the final sentence, I suggest two edits:

On the other hand, a lawyer who is personally involved in a matter and has retained another lawyer to represent him or her is not "representing a client," and is permitted to communicate directly with another person the lawyer knows to be represented in the matter without the consent of ~~the other~~ that person's lawyer, provided the represented lawyer is not acting as co-counsel.

As written, is "the other lawyer" the "lawyer to represent him or her" or the one representing "another person"? The intent is the latter. The text should not prompt the reader to reread the sentence to confirm that intent. Replacing "the other" with "that person's" will add clarity.

I don't believe "cocounsel" is correct. It should be hyphenated, like the rules do with "co-client" elsewhere.

Thank you for considering these suggestions.

- Roger Wynne,
WSBA #23399

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE Box 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

June 13, 2018

Paul Bastine
Chair, Practice of Law Board
806 S. Raymond Rd.
Spokane Valley, WA 99206-3530

Re: Practice of Law Board

Dear Paul:

This is to confirm my conversation with you last week regarding the court's vote to allocate \$10,000 to the Practice of Law Board for the development and launch of the Legal Health Check Up web application referenced in your May 2, 2018 letter.

Very truly yours,

MARY E. FAIRHURST
Chief Justice

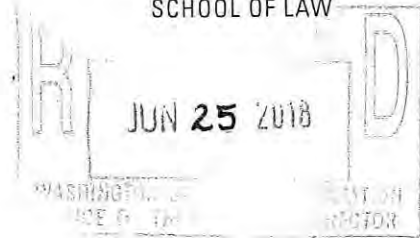
cc: William D. Pickett, WSBA President
Paula Littlewood, WSBA Executive Director
Pam Inglesby, WSBA Bar Services Manager
Julie Shankland, WSBA Staff Liaison

Pursuing Justice. Finding Solutions.



SCHOOL OF LAW

June 19, 2018



Paula C. Littlewood
Executive Director
Washington State Bar Association
1325 4th Ave Suite 600
Seattle WA 98101

Dear Ms. Littlewood,

Thank you for your kind letter welcoming me to the Washington State legal community. I look forward to working with you and learning more about the initiatives between the WSBA and the Washington State law schools. I recently had the opportunity to speak with Kellye Testy and she spoke very highly of you. It will be great to finally meet you!

I appreciate your taking the time to speak to our incoming students during our orientation this coming Fall. We very much look forward to your visit.

Sincerely,

Jacob H. Rooksby
Dean and Professor of Law

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

Office of the Executive Director
Paula C. Littlewood, Executive Director

June 11, 2018

Jacob H. Rooksby, J.D., Ph.D.
Dean
Gonzaga University School of Law
721 N. Cincinnati Street
Spokane, WA 99202

Dear Dean Rooksby,

I wanted to send you a congratulatory note on your recent appointment as Dean of Gonzaga University School of Law and wish you a warm welcome to our legal community!

We enjoy a strong collaboration among the law schools and the bar here in Washington state and I look forward to working with you on the exciting initiatives we've been rolling out together. I will be speaking at the Law School's Fall Orientation on August 15 and hope we might get a chance to say hello.

Again, I look forward to meeting you soon and working together in the years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula C. Littlewood", with a stylized, flowing script.

Paula C. Littlewood

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

June 20, 2018

The Honorable Charles W. Johnson
Washington Supreme Court
Temple of Justice
PO Box 40929
Olympia WA 98504-0929

Re: EHB 1128 – Civil Arbitration

Dear Justice Johnson,

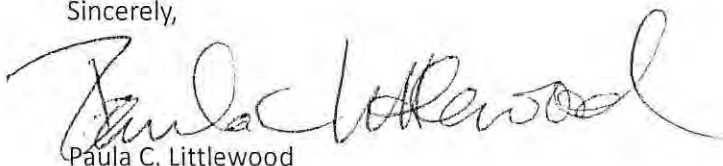
Thank you for your letter dated May 23, 2018, requesting that the WSBA Court Rules and Procedures Committee review whether EHB 1128 (Civil Arbitration) will have any effect on the Mandatory Arbitration Rules.

I have been in contact with Shannon Kilpatrick, Chair of the WSBA Court Rules and Procedures Committee, who has let me know that the Committee will start working on the review right away. However, we are concerned the Committee will be unable to meet the September 1st deadline due to the review process the Committee generally undertakes, which usually runs four to six months.

The Committee will appoint an ad hoc subcommittee and the subcommittee will need time to review the current rules and the legislation, ascertain which rules need to be amended, and then draft any needed language, which may take some time given the breadth of the legislation. Once the language is drafted, the Committee would next send it out for stakeholder review. Stakeholders are generally provided with 60 days to review and provide comments (because many stakeholders are organizations that meet only monthly or quarterly and cannot provide feedback without a vote). Finally, the subcommittee reviews all the feedback, makes any changes to the language it deems appropriate, and then makes a recommendation to the full Committee.

We appreciate the opportunity given to the Committee to review and give feedback on the Civil Arbitration legislation (EHB 1128). Please let me know if you have any questions about the Committee's process, and if you would prefer the Committee go through this outlined process or some other suggested process.

Sincerely,



Paula C. Littlewood

cc: Shannon Kilpatrick, WSBA Court Rules and Procedures Committee Chair (with May 23 letter)
William D. Pickett, WSBA President
Nicole Gustine, WSBA Public Records Officer

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J.C.JOHNSON@COURTS.WA.GOV

May 23, 2018

MAY 29 2018

Ms. Paula Littlewood
Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Ms. Littlewood:

Recently, the legislature enacted EHB 1128—Civil Arbitration, which is effective September 1, 2018. This law will affect the current statewide Mandatory Arbitration Rules (MARs). The Supreme Court Rules Committee has reviewed this legislation and has determined that it would benefit from a review by the Washington State Bar Association's Court Rules and Procedures Committee.

The Supreme Court Rules Committee recognizes that this law will become effective before the Court Rules and Procedures Committee is regularly scheduled to review the MARs. The Rules Committee would appreciate any review and feedback that can be provided as soon as practicable so the court can consider it and take any necessary action by the September 1, 2018 effective date.

Very truly yours,

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

Charles W. Johnson, Chair
Supreme Court Rules Committee

cc: Mr. Kevin Bank, WSBA Assistant General Counsel
Ms. Shannon Kilpatrick, WSBA Court Rules and Procedures Committee Chair

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

June 21, 2018

Hon. Mary E. Fairhurst
Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Suggested Amendments to Rules of Professional Conduct Title 7 and Rule 5.5, and Suggested Amendments to Limited License Legal Technician (LLLT) Rules of Professional Conduct Title 7, Rules 1.0B, and 1.5

Dear Chief Justice Fairhurst,

Enclosed are GR 9 Cover Sheets for suggested amendments to Title 7 (Information About Legal Services) and Rule 5.5 of the Rules of Professional Conduct and suggested amendments to LLLT RPC 1.0B, 1.5, and LLLT RPC Title 7. On March 8, 2018, the Board of Governors approved suggested amendments to the Rules of Professional Conduct and the LLLT Board approved corresponding amendments to the LLLT RPC on May 11, 2018.

These suggested amendments are based on proposals by the Association of Professional Responsibility Lawyers (APRL), which studied potential changes to the ABA Model Rules of Professional Conduct that regulate lawyer advertising and communication about legal services. The APRL study culminated in reports issued in 2015 and 2016. Essentially, the APRL proposals recommend consolidating much of the content of the rules into the general prohibition on false and misleading communication and simplifying other provisions governing advertising and marketing. The attached GR 9 provides further explanation and background on the suggested changes.

Over the last two years, WSBA has been following the APRL developments and in early 2016 the Board of Governors appointed a workgroup to analyze the APRL proposals and determine whether they might be viable for Washington. In February 2017, the workgroup recommended implementation of the APRL proposals with appropriate modifications to Washington's rules. The Board then asked the Committee on Professional Ethics (CPE) to draft amended rules for Washington.

If you have any questions regarding the enclosed lawyer RPC materials, please direct them to Don Curran, Chair of the Committee on Professional Ethics, at jdcvlc@dctpw.com or (509) 455-9500, or Jeanne Marie Clavere, Professional Responsibility Counsel and staff liaison to the CPE, at jeannec@wsba.org or (206) 727-8298. For

questions regarding the LLLT RPC materials, please direct them to Steve Crossland, Chair of the LLLT Board at (509) 782-4418 or Renata de Carvalho Garcia, Innovative Licensing Programs Manager and staff liaison to the LLLT Board, at renatag@wsba.org or (206) 733-5912.

Sincerely,



Paula C. Littlewood

Enclosures

cc (w/o enclosures):

William D. Pickett, President, WSBA

Don Curran, Chair, WSBA Committee on Professional Ethics

Jeanne Marie Clavere, Staff Liaison, WSBA Committee on Professional Ethics

Steve Crossland, Chair, Limited License Legal Technician Board

Renata de Carvalho Garcia, Innovative Licensing Programs Manager

Shannon Hinchcliffe, Administrative Office for the Courts

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director
Paula C. Littlewood, Executive Director

June 25, 2018

Eleanor Hunn Edwards
2208 92nd Avenue NE
Clyde Hill, WA 98004-2544

Dear Ms. Edwards,

Thank you for your letter of June 8, 2018, regarding the Federal Justice Department's decision not to defend the Affordable Care Act (ACA) law on all law suits brought against it. I have discussed this matter with the WSBA Board of Governors' Executive Committee and they feel this matter is an appropriate issue for the Attorney General. For your convenience, his contact information is noted below.

Attorney General Bob Ferguson
Office of the Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

Please let me know if I can be of any further assistance.

Sincerely,



Paula C. Littlewood

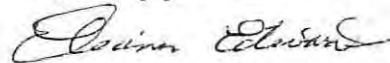
- June 8 2018

washington state bar association
1325 fourth ave suite 600
seattle wa 98101

board of directors:

I am writing to you as a retired washington lawyer. I have just learned that the federal justice department, on directions of the president will not defend the aca law on all law suits brought against it. It seems to me that this should be countered. The bar association is the logical party to appear before any court hearing any such case to represent the defense. It is indefensible to remove judicial coverage of our nations laws. If not you, then the federal bar association.

Sincerely yours



Eleanor Hunn Edwards class of 53

cc: SHEA

JUN 11 2018

Delay, Curran, Thompson, Pontarolo & Walker, P.S.

Attorneys at Law

601 West Main, Suite 1212 • Spokane, WA 99201-0635
Phone (509) 455-9500, Toll-Free Number 1-800-572-0933
Fax (509) 623-1446

Smith Tower, 506 2nd Ave., 25th Floor • Seattle, WA 98104
Phone (206) 343-8535

All Correspondence to Spokane Office

J. DONALD CURRAN
ROBERT H. THOMPSON
MICHAEL J. PONTAROLO
MICHAEL J. WALKER**
•
NICHOLAS J. PONTAROLO**
•
CLARENCE A. BOLING (1928-1977)

***Admitted in Washington & Idaho*

July 3, 2018

VIA EMAIL

Ms. Paula Littlewood, Executive Director
Washington State Bar Assn.
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

Re: Comment 18 to RPC 1.2 & Comment 8 to RPC 8.4

Dear Paula:

The Committee on Professional Ethics met on June 22, 2018, and considered Comment 18 to RPC 1.2, and proposed Comment 8 to RPC 8.4 in light of the federal government's position regarding state legalized marijuana. Due to a lack of quorum at the June 22 meeting, a telephonic meeting was subsequently held on July 2, 2018, and a quorum was achieved.

The committee unanimously recommended:

Proposed revision to Comment [18] to RPC 1.2

Special Circumstances Presented by Washington's Marijuana Laws.

Under paragraph (d), a lawyer may counsel a client regarding Washington's marijuana laws and may assist a client in conduct that the lawyer reasonably believes is permitted by those laws. If Washington law conflicts with federal or tribal law, the lawyer shall also advise the client regarding the related deferral or tribal law and policy.

In addition, the committee considered two versions of proposed new Comment 8 to RPC 8.4, shown below.

Ms. Paula Littlewood
July 3, 2018
Page 2

Proposed Comment [8] to RPC 8.4 – Version 1

[8] A lawyer who counsels a client regarding Washington's marijuana laws or assists a client in conduct that the lawyer reasonably believes is permitted by those laws does not thereby violate RPC 8.4. *See also* Washington Comment [18] to RPC 1.2.

Five members of the CPE favored Version 1.

Proposed Comment [8] to RPC 8.4 – Version 2

[8] A lawyer does not violate RPC 8.4 by: counseling a client regarding Washington's marijuana laws, assisting a client in conduct that the lawyer reasonably believes is permitted by those laws, or engaging in conduct that is {{expressly}} permitted by those laws. *See also* Washington Comment [18] to RPC 1.2.

Two members of the CPE favored Version 2.

The committee is preparing a comprehensive final report and recommendation to the Board of Governors for its consideration at its July 27-28 meeting.

Sincerely,



J. DONALD CURRAN, Chair
Committee on Professional Ethics
Washington State Bar Association

JDC:jre

cc: Committee on Professional Ethics
Jeanne Marie Clavere, staff liaison

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J.C.JOHNSON@COURTS.WA.GOV

July 6, 2018



Ms. Paula Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Dear Ms. Littlewood:

Thank you for the May 31, 2018, response to the Supreme Court Rules Committee's request for feedback from the Council on Public Defense (CPD) on suggested amendments to CrR 4.1—Arraignment. In the correspondence, the CPD offered to discuss the suggested amendment further and make suggestions based on the input from its membership that includes judges, public defenders, prosecutors, court administrators, and interested persons.

The Supreme Court Rules Committee has agreed to forward the suggested amendment to the WSBA CPD to consider the rule and propose alternative suggested language after consideration, if appropriate. The next regularly scheduled Supreme Court Rules Committee meeting is scheduled for October 15, 2018.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles W. Johnson". The signature is fluid and cursive.

Charles W. Johnson, Chair
Supreme Court Rules Committee

cc: Ms. Eileen Farley, CPD Chair

Enclosures

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

May 31, 2018

Hon. Charles W. Johnson
Associate Justice
Washington Supreme Court
PO Box 40929
Olympia, WA 98501-2314

Dear Justice Johnson,

Enclosed please find the Council on Public Defense's memo in response to your March 23, 2018, request for input on the proposed amendments to CrR4.1 – Arraignment.

Please let me know if you have any questions or need additional information.

Sincerely,



Paula C. Littlewood

Encl.

05-14-18 Memo from Council on Public Defense

03-23-18 Letter from Hon. Charles W. Johnson

cc: William D. Pickett, WSBA President
Eileen Farley, Council on Public Defense Chair
Diana Singleton, WSBA Access to Justice Manager

WASHINGTON STATE BAR ASSOCIATION

TO: Paula Littlewood
FROM: Eileen Farley (CPD Chair), Daryl Rodrigues (CPD Vice Chair), and Travis Stearns (CPD Member)
DATE: May 31, 2018
RE: Council on Public Defense's Comments to CrR 4.1

At the request of Justice Charles Johnson the Council on Public Defense (CPD) at its May 4, 2018 meeting discussed whether Criminal Rule (CrR) 4.1 appropriately allows a delay between filing a felony charge in district court and subsequent refiling the same charge in superior court. Justice Johnson sent with his request a motion from a Snohomish County defendant explaining that there was a 30-day delay between filing a charge against him in district court and refiling of the charge in superior court. Justice Johnson requested comments by June 1, 2018.

After a full discussion at its May meeting the CPD recommend the rule be amended. We understand that the delay caused under the current rule can create significant problems for investigation and defense of cases. It also, as described in the letter from the Snohomish County defendant which Justice Johnson included with his request for comment, extends the time in which a case may be brought to trial. For poor defendants who are unable to post bail, particularly defendants charged with low level offenses, this additional time for trial pressures them to plead guilty to get out jail, forgoing their right to a trial.

Amending CrR4.1 will also reduce geographic disparity. An informal poll of practitioners on the CPD revealed that many jurisdictions have first appearances in superior court, meaning that they do not use this rule to extend the time a person is held before trial. An amendment to CrR 4.1 will eliminate this disparity.

The CPD, if the Court would find it of assistance, would be happy to discuss the rule further and suggest amending language. The CPD is made up of diverse interests including judges, public defenders, prosecutors, court administrators, and other interested persons, and is in an excellent position to consider the rule and propose language to solve the problems the current version of this rule creates.

There was a majority vote at the last CPD meeting in favor of changes to CrR4.1 changes and willingness, if the Court should ask to propose alternative language to address the concerns outlined above. The CPD did not feel the changes currently proposed to the rule would necessarily resolve the issue. Please let us know if you have any questions or if we can be of further assistance regarding Justice Johnson's request. Thank you for the opportunity to share our input.

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J_C.JOHNSON@COURTS.WA.GOV

March 23, 2018

Bob Ferguson
Washington State Attorney General
PO Box 40100
Olympia, WA 98504-0100

Paula Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Tom McBride, Executive Secretary
Washington Association of
Prosecuting Attorneys
206 10th Avenue SE
Olympia, WA 98501

Teresa Mathis, Executive Director
Washington Association of Criminal
Defense Lawyers
1511 Third Ave, Suite 503
Seattle, WA 98101

Maggie Sweeney, Executive Director
Washington Defense Trial Lawyers
701 Pike Street, Suite 1400
Seattle, WA 98101

Christie Hedman, Executive Director
Washington Defender Association
110 Prefontaine Place S, Suite 610
Seattle, WA 98104

Dear Attorney General and Association Directors:

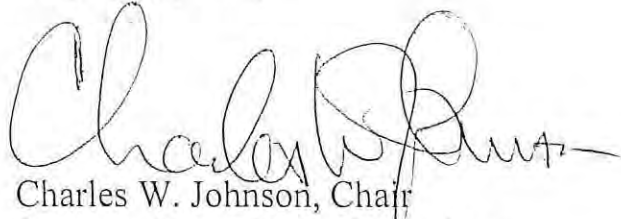
I am writing as chair of the Washington State Supreme Court's Rules Committee. The Rules Committee has received proposed amendments to Superior Court Criminal Rule (CrR) 4.1—Arraignment, which the proponent claims are necessary to avoid conflict with established constitutional principles and other court rules, such as CrR 3.3.

The Supreme Court Rules Committee is in the process of reviewing the proposed amendments to CrR 4.1 and would like input from various stakeholders on these proposed changes. I am enclosing a copy of the GR 9 cover sheet, the proposed amendment, and other supporting documentation received.

March 23, 2018
Page 2

We appreciate your expertise and thank you in advance for your help in the rulemaking process. If possible, please provide your comments by June 1, 2018.

Very truly yours,



Charles W. Johnson, Chair
Supreme Court Rules Committee

Enclosures

RECEIVED
FEB 12 2018
Washington State
Supreme Court

SUPREME COURT
OF THE STATE OF WASHINGTON

GENERAL RULE 9 SUPREME COURT RULEMAKING

- (A)(B) STEPHEN P. DOWDNEY JR. #971036
Proponent/Spokesperson
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, Wa, 98520
- (C) The current version of CrR 4.1 necessitates amendment as it conflicts with established constitutional principals as well as other court rules (CrR 3.3).
- (D) A public hearing should only be conducted upon order of the court.
- (E) Expedited consideration should be applied as the current rule is allowing for individuals held to answer for a crime to remain separated from liberty without consideration for time for trial and for disparate periods compared to similarly situated persons.

Table of Authority

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<u>State v. Greenwood,</u> 120 Wn2d 585;845 p2d 971(1993)	13
<u>State v. Hardesty,</u> 149 Wn2d 230;66 p3d 621(2003)	4
<u>State v. Harris,</u> 130 Wn2d 35;921 p2d 1052(1996)	11
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<u>Federal</u>	
<u>Rothgery v. Gillespie County,</u> 554 US 191,207.128 S.Ct. 2578,171 L.Ed. 2d 366(2008) US lexis 5057	13
<u>United States v. LoudHawk,</u> 474 US 302,310-11,88 L.Ed 2d 640,651,106 S.Ct. 648 (1986)	13
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3	Table of Authority (Cont.)	
4	<u>Amendment 6, US Const.</u>	8
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8	<u>Art. 1 § 22 Wash. Const.</u>	14,8
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10	<u>Art. 1 § 32 Wash. Const.</u>	15
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12		
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14	<u>RCW 2.08.010</u>	11
15	<u>RCW 10.37.015</u>	14
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22	<u>CrRLJ 3.2.1.</u>	3,14
23		
24		
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4 PROPOSED AMENDMENTS

5 4. PROCEDURES PRIOR TO TRIAL

6
7 RULE 4.1 ARRAIGNMENT

8 (a) Time.

9 (1) Defendant Detained in Jail. The defendant shall-
10 be arraigned not later than 14 days after the date the
11 information or indictment is filed in the adult-
12 division of the superior court, defendants arraignment
13 in the adult division of the superior court after an
14 information or indictment has been filed shall not be
later than 14 days after defendant was detained in
jail for the pending charge for purposes of
commencement date for CrR 3.3(b)(1)(i), if the
defendant is (i) detained in the jail of the county
where the charges are pending or (ii) subject to
conditions of release imposed in connection with the
same charges.

15 (2) Defendant Not Detained in Jail. The defendant
16 shall be arraigned not later than 14 days after that
17 appearance which next follows the filing of the
18 information or indictment, if the defendant is not
19 detained in that jail or subject to such conditions
20 of release. Any delay in bringing the defendant before
the court shall not effect the allowable time for
arraignment, regardless of the reason for that delay.
For purposes of this rule, "appearance" has the
meaning defined in CrR 3.3(a)(3)(iii).

21 (b) Objection to Arraignment Date--Loss of Right to
22 Object. A party who objects to the date of arraignment
23 on the ground that it is not within the time limits
24 prescribed by this rule must state the objection to
25 the court at the time of the arraignment. If the court
26 rules that the objection is correct, it shall
27 establish and announce the proper date of arraignment.
28 that date shall constitute the arraignment date for
purposes of CrR 3.3. a party who fails to object as
required shall lose the right to object, and

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3
4 the arraignment date shall be conclusively established
5 as the date upon which the defendant was actually
arraigned.

6 (c) Counsel. If the defendant appears without counsel,
7 the court shall inform the defendant of his or her
8 right to have counsel before being arraigned. The court
9 shall inquire if the defendant has counsel. If the
defendant is not represented and is unable to obtain
counsel, counsel shall be assigned by the court, unless
otherwise provided.

10 (d) Waiver of Counsel. If the defendant chooses to
11 proceed without counsel, the court shall ascertain
12 whether this waiver is made voluntarily, competently
13 and with knowledge of the consequences. If the court
14 finds the waiver valid, an appropriate finding shall
15 be entered in the minutes. Unless the waiver is valid,
16 the court shall not proceed with the arraignment until
counsel is provided. waiver of counsel at arraignment
shall preclude the defendant from claiming the right
to counsel in subsequent proceedings in the cause, and
the defendant shall be so informed. If such claim for
counsel is not timely, the court shall appoint counsel
but may deny or limit a continuance.

17 (e) Name. Defendant shall be asked his or her true name
18 . If the defendant alleges that the true name is one
19 other than that by which he or she is charged, it must
20 be entered in the minutes of the court, and subsequent
21 proceedings shall be had by that name or other names
22 relevant to the proceedings.

23 (f) Reading. The indictment or information shall be
24 read to the defendant, unless the reading is waived,
25 and a copy shall be given to defendant.
26
27
28

Although linked, CrRLJ 4.1 does not apparently
seem to need amending in proponents considerations.

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3
4 DISCUSSION

5 The current version of CrR 4.1 allows for
6 individuals initially filed on in district court for
7 prescribed conduct to ultimately be filed on in
8 superior court for that same conduct previously held
9 to answer for, without consideration for time for trial.

10 Warrantless Arrest

11 An individual detained in jail on a
12 warrantless arrest under CrR/CrRLJ 3.2.1. must be
13 formally charged within 72 hours. CrR/CrRLJ 3.2.1(f).

14 Under CrR 3.2.1(f) an individual filed on
15 directly in superior court by information or
16 indictment within 72 hours will be arraigned within 14
17 days CrR 4.1(a). A rule based time for trial will take
18 place within 60 days. CrR 3.3(b)(1)

19 An individual filed on in district court
20 under CrRLJ 3.2.1(g) by a "felony complaint" within 72
21 hours may be held for 30 days in district court. CrRLJ
22 3.2.1(g)(2). An information then may be filed in
23 superior court. An arraignment will then take place
24 within 14 days per CrR 4.1(a). Thus an arraignment in
25 superior court will be within 44 days of being held to
26 answer. A 60 day rule based time for trial will then
27 occur per CrR 3.3(b)(1).

28 From the time an individual is held to
answer in superior court per CrR 3.2.1(f) a time for
trial will take place in 74 days, an individual held
to answer in district court for the same conduct will
have a time for trial period of 104 days.

Procedural History

Prior to the 1980 amendments to the time
for trial rule(s) there were issues with providing a
prompt trial for defendants once a prosecution had
been initiated. see State v Striker, 87 wn2d 870;557
p2d 847(1976); State v. Edwards, 94 Wn2d 208;616 p2d
620(1980).

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4 The 1980 amendments seem to cure, at least the
5 issue of abusing the "felony complaint" district
6 court filing procedure, as the time spent in district
7 court was calculated into the time for trial period.
8 see former CrR 3.3 and the dissent of James, J. in
9 State v Kray, 31 Wn.App.388,390-92;641 p2d
10 1210(1982).

11 Where he states:

12 "The judicial Council's 1979 proposed
13 amendments to CrR 3.3 will remedy this problem. The
14 starting point for the time for trial period is the
15 arraignment in superior court. Arraignment must occur
16 by a certain date. In addition time spent in district
17 court proceedings will be included in the time for
18 trial period. This should limit the use of district
19 court proceedings to delay the time for trial
20 period. Washington State Judicial Council, Twenty
21 Eighth Annual Report at 46-47(1979)."

22 Also see State v Hardesty, 149 Wn2d 230,235;66 p3d
23 621(2003) where this court states:

24 "If the state files a complaint and holds the
25 defendant on the charge or subjects him to conditions
26 of release, he will suffer a loss of liberty due
27 directly to the current charge, thus, justice and
28 fairness require that time elapsed in district court
commence with the filing of the complaint and that
this time be included in calculating the time for
trial."

29 In 2003 the time for trial rules were amended
30 again. CrR/CrRLJ 3.3 & 4.1. At least the amendments
31 to CrR 3.3 & 4.1 either allow for individuals to be
32 held to answer and detained in jail prior to the
33 filing of an information in superior court without
34 consideration for time for trial or stand facially
35 vague, to where a person of ordinary intelligence may
36 have trouble understanding what is prescribed or lacks
37 standards sufficiently specific to prevent arbitrary
38 enforcement.

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4 Related Rules /Harmonizing all Provisions

5 CrR 3.3 has many provisions that relate
6 directly to CrR 4.1.

7 CrR 3.3(a)(3) Definitions.

8 (i) "pending charge" means the charge for which the
9 allowable time for trial is being computed.

10 According to CrR 3.3 "pending charge" does
11 not specify a charge filed in superior court by
information.

12 (ii) "related charge" means a charge based on the
13 same conduct as the pending charge that is ultimately
filed in superior court.

14 CrR 3.3(a)(5) Related Charges. The computation of the
allowable time for trial of a pending charge shall
15 apply equally to all related charges.

16 According to CrR 3.3 "related charges" and
"pending charges" are to be calculated equally.

17 CrR 3.3(a)3(iv) "arraignment" means the date
determined under CrR 4.1(b).

18 CrR 4.1(b) is the date of the true
19 commencement date, reflecting the start time per CrR
20 3.3 after an objection is raised at the physical
arraignment in superior court. (also see CrR
3.3(c)(1))

21 CrR 3.3(a)3(v) "detained in jail" means held in
22 custody of a correctional facility pursuant the
pending charge and that only "unrelated charges" are
23 excluded from the time for trial period.

24 (note) there are instances in which periods of
"related charges" are excluded CrR 3.3 (e)(4)(5).

25 Generally CrR 3.3 specifies a time for
26 trial period from when an individual is held to
answer for conduct even if ultimately prosecuted in
28 superior court.

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4 Vagueness

5 Is the current version of CrR 4.1 merely
6 vague ?

7 Facially, CrR 4.1(a) only specifies an end
8 point to when an arraignment may occur and does not
delineate an arraignment only after an information
has been filed.

9 Indeed, CrR 4.1 subjects an arraignment
10 date to objection under CrR 4.1(b) for purposes of
CrR 3.3. allowing for adjustment.

11 However, CrR 4.1 is construed to mean an
12 arraignment may only occur after an information has
been filed in superior court.

13
14 The following is an excerpt from the
15 verbatim reports of State v. Dowdney, COA 75416-5-I(
1 RP 19)

16 I declare under penalty of perjury of the laws of
17 Washington State the following is a true and correct
18 reproduction in relevant part of the April 5th, 2016
arraignment in Snohomish County Superior Court.

19
20 THE DEFENDANT: I'm actually going to object to those
21 dates.

22 THE COURT: What's the objection?

23 THE DEFENDANT: Well, we're 21 days past filing today.

24 THE COURT: Right.

25 THE DEFENDANT: So I'm objecting to the arraignment
26 date because I believe today is the only day I can
28 object to it, if I'm not mistaken.

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4 And also I have, with the court's indulgence, I
5 actually have another issue that I'd like to raise.
6 THE COURT: What's that?
7 THE DEFENDANT: I actually believe that the expiration
8 date should be -- the expiration date should be May
9 13th. The commencement date should be March 15th, the
10 day of filing.
11 THE COURT: Mr. Dowdney, your case was filed April
12 1st.
13 THE DEFENDANT: It was actually filed --well-- yea,
14 from the filing from district court. This was filed
15 in district court.
16 And this brings me to another issue. At my PC
17 hearing in front of Judge Bui I objected to my case
18 being filed in district court. I filed actually a
19 motion that was timely filed and properly before the
20 court, but it was promptly ignored, to be at that
21 dismissal date. So it wasn't -- I wasn't brought to
22 that hearing. I filed a motion to docket. Filed the
23 motion. I have a service of mailing, and --
24 THE COURT: You filed in what --
25 THE DEFENDANT: I'm sorry, Your Honor?
26 THE COURT: You filed in what court, sir?
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4 THE DEFENDANT: District court.
5 THE COURT: The case is in superior court now.
6 THE DEFENDANT: I understand that, Your Honor. I
7 understand that. But I didn't file the case in
8 district court. I mean, the State filed in district
9 court. So due to that, somewhere along the line now
10 we're past the 14-day which -- and that kind of
11 brings me to why I want my commencement date to start
12 on the day of filing because that coincides with --
13 it would be Criminal Court Rule 3.2.1.(f)(1) where
14 I'm charged within 72 hours if filed in district
15 court, and so that's what I want.
16 According to Washington Supreme Court and all the
17 divisional courts, they continuously said that the
18 United States Constitutional Amendment 6, and the
19 Washington Article I, Section 22, basically are the
20 same. The Washington Supreme Court has said --
21 THE COURT: Wait. Stop. Your getting way ahead of
22 yourself.
23 what's the State's position with regard to the
24 commencement date for the 60 day rule?
25 MS. YAHYAVI: Your Honor, the State's position is the
26 commencement date is today, the date of arraignment.
27 THE COURT: Even if it was filed in district court?

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4 MS. YAHYAVI: Well, I haven't done any research. I'm
5 happy --
6 THE COURT: I'm asking you specifically right here,
7 right now, I'm going to take a break, you need to
8 take a look at the rule now. I'll be back out in a
9 few minutes. The defendant needs to be maintained in
10 the court room over there. We're in recess.
11 (Recess taken)
12 THE COURT: Ms Yahyavi, have you reviewed Criminal
13 Rule 3.3?
14 MS. YAHYAVI: I have Your Honor. Can I go ahead and
15 answer?
16 THE COURT: Sure.
17 MS. YAHYAVI: Under Criminal Rule 3.3, time for trial
18 , (c), the initial commencement date. (1) The initial
19 commencement date shall be the date of arraignment as
20 determined under Criminal Rule 4.1.
21 Criminal Rule 4.1 states: The defendant detained
22 in jail. The defendant shall be arraigned not later
23 than 14 days after the date the information or
24 indictment is filed in the adult division of the
25 superior court. This information was filed April 1st.
26 THE COURT: All right. Mr. Dowdney, is there some
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theory under which that's not a correct reading of the rule?

THE DEFENDANT: I'm sorry?

THE COURT: is there some theory under which that is not a correct reading of the rule?

THE DEFENDANT: She read directly from the rule. I'm reading myself. She read it directly from the rule.

THE COURT: All right. Well, today is your arraignment date. It was properly set. 4.2 requires that you be arraigned within 14 days of the day charges were filed. And so today is the arraignment date. Today is the commencement date.

MS YAHYAVI: Your Honor, I just want to clarify, it's 4.1.

THE COURT: I'm sorry, 4.1. I misspoke. It's 4.1.

THE DEFENDANT: Defense objects.

This, first of many disputes over the commencement date and misuse of the district court filing process, clearly shows competing interpretations of how the rule applies to time one has spent held on same charge in district court that

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4 that is ultimately filed in superior court.

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6 The filing of a "felony complaint" in district
7 under CrR 3.2.1.(g) or a "criminal complaint" under
8 CrR 3.2.1.(f) that is eventually amended up to a
9 felony and charged by information in superior court
10 are either "pending charges" or "related charges".
11 Either way an individual has been held to answer in a
12 state court, by the same prosecuting authority.
13 Superior court has jurisdiction over both courts see
14 RCW 2.08.010, and Article 4 § 6. also see State v
15 Harris, 130 Wn2d 35,42;921 p2d 1052(1996).

16 It bears noting that although State v George,
17 160 Wn2d 727;158 p3d 1169(2007) states in uncertain
18 terms that time spent in district court is no longer
19 deducted from the superior court calculation,
20 George was originally charged in "municipal" court
21 and thus sepearte under Harris.

22
23 Held to Answer

24 "The standard indicates that if at the time of
25 the filing of a charge a defendant is being held to
26 answer --- whether in custody, or on bail or
27 recognizanced for the same crime or a crime based on
28 the same conduct or arising from the same episode;
then the time begins running as of the date the charge
is filed, charge means a written statement with the
court which accuses a person of an offense and which
is sufficient to support a prosecution; it may be an
indictment, information, complaint or affidavit,
depending upon the circumstances and the law of the
particular jurisdiction" State v Striker, 87 Wn2d at
877. (also see progeny)

23 United States v Marion, 404 US 307,30 L.Ed.2d
24 486,487,92 S.Ct. 455(1971) at 321 states:

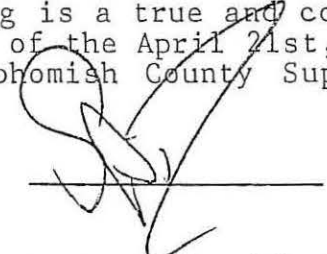
25 "Under ABA standards, after a defendant is charged
26 it is contemplated that his right to speedy trial
27 would be measured by a statutory time period excluding
28 necessary and other justifiable delays; There is no
necessity to allege or show prejudice to the defense.
Rule 2.1 ibid"

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4 The term "HELD TO ANSWER" is presumed not to
5 have been merely drawn out of a hat, indeed, it has
6 its roots dating back to The Great Charter, Magna
Carta, Lord Coke and Blackstone speak of it, as well
as our Founding Fathers:

7 "No person shall be held to answer
8 for a capital, or otherwise
9 infamous crime, unless on a presentment..
Amendment 5 US Const.

10 The following is an excerpt from the verbatim
11 reports of State v. Dowdney, COA 75416-5-I (2 RP 14-
12 15).

13 I declare under penalty of perjury of the laws of
14 Washington State the following is a true and correct
15 reproduction in relevant part of the April 21st, 2016
16 CrR 3.3(d)(3) hearing in Snohomish County Superior
17 Court.



18 MR. DOWDNEY:However -- so, as I said at the
19 beginning, Your Honor, dealing kind of with the
20 3.3(d)3, and I think it's fairly clear that you are
21 not held to answer. You haven't been held to answer.
22 I haven't been held to answer before my arraignment.

23 So -- and clearly the only reason ---

24 THE COURT: This phrase you keep using, held to
25 answer.

26 MR DOWDNEY: That's correct.

27 THE COURT: Where is that in the rule?

28 MR DOWDNEY: So basically it says being held to
answer, and it's discussed in phelps (phonetic

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spelling). It's discussed in, I believe Greenwood,
and it's U.S. vs -- (Loudhawk)

MR DOWDNEY: And I have it there. It says the
defendant was never served an arrest warrant, issued
conditions of release. And the defendant and the
charges were never simultaneously before the court
that's triggering speedy trial rights. Because your
speedy trial rights actually trigger --

THE COURT: I'm going to ask you to stop at this
point.

" What counts as a commitment to
prosecute is an issue of Federal Law unaffected by
allocations of power among state officials under a
state's law...and under the federal standard, an
accusation filed with a judicial officer is
sufficiently formal and the government's commitment
to prosecute it sufficiently concrete, when an
accusation prompts arraignment and restrictions on
the accused liberty facilitate the prosecution
...from that point on, the defendant is "faced
with the prosecutorial forces of organized society,
and immersed in the intricacies of substantive and
procedural criminal law."

" [I]t would defy common sense to say
that a criminal prosecution has not commenced against
a defendant who, perhaps incarcerated and unable to
afford Judicially imposed bail, awaits preliminary
examination on the authority of a charging document
filed by the prosecutor, less typically by the police
and approved by a court of law."

Rothgery v. Gillespie County, 554 US 191,207,208,233,
128 S.Ct. 2578, 171 L.Ed. 2d 366, (2008) US lexis
5057.

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4 CONCLUSION

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6 The current version of CrR 4.1 allows for
7 individuals to sit jail for up to 44 days without any
8 formal process.

9 In the case of Snohomish County, whom
10 utilizes the district court "preliminary hearing" or
11 preliminary examination procedures and files most if
12 not all warrantless arrests in district court, either
13 CrR 4.1 is being misunderstood or wantonly abused.

14 In Snohomish County, upon a warrantless
15 "felony arrest" 99.999% are filed in district court
16 as "criminal complaints". One is not present in court
17 pursuant this "filing" ever. One is not formally
18 served this complaint, formally read this complaint
19 in court.

20 This stands contrary to Article 1 § 22 Wash. Const.,
21 Amendment 6 US. Const., CrRLJ 4.1(f).

22 CrR 4.1, currently allows Snohomish County
23 to operate under the assumption that one does not
24 have to be "held to answer" as prescribed by the 5th
25 amendment to the US Const. by a "presentment".

26 In Washington State, a presentment or grand jury
27 indictment has been replaced by an "information"
28 Article 1 § 25 also see RCW 10.37.015 (one will not
be held to answer unless by information).

Amending CrR 4.1 to reflect the total time
an individual has been removed from liberty, at least
equally to those initially charged in superior court,
would deter the state from delaying arraignment to
gain tactical advantage.

(although irrelevant to proposal, it should be noted
that Snohomish County never has any intentions of
holding a "preliminary hearing" per CrRLJ
3.2.1(g)(1).) see exhibit 1 & 2, 4.1 allows for this.

CrR 4.1 should also be amended as
individulals filed on initially in district court

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4 would receive time for trial periods equal to those
5 initially filed on in superior court in application
6 of equal protection. see Article 1 § 12 as a time for
trial under CrR 3.3 seems to be "fundamental".also
see Amendment 14 US Const.

7
8 Proponent believes in Washington State the
9 right to be held to answer and to be treated equally
are Fundamental Principles essential to the security
of individual rights Article 1 § 32 Wash. Const.

10 And Respectfully asks this court to review the
11 validity and constitutionality of CrR 4.1. for a time
12 for trial period under 3.3 protects a constitutional
right to speedy trial, is fundamental and needs to be
protected by rules that reflect as much.

13
14 I hereby certify under penalty of perjury of the
15 laws of Washington State, that the foregoing is true
and correct.

16 Respectfully Submitted this 6 day of February,
17 2018.

18
19 Signed in Aberdeen, Wa, 98520,


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21
22 
23 Stephen P. Dowdney Jr.
24 971036
25 Stafford Creek Corr. Cent.
26 191 Constantine Way
27 Aberdeen, Wa, 98520
28 4jhd

EXHIBIT 1



Snohomish County

District Court
Everett Division

Roger M. Fisher, Judge
Tam Bul, Judge

**SNOHOMISH COUNTY DISTRICT COURT
FELONY COMPLAINT
INFORMATION SHEET**

M/S #508
3000 Rockefeller Ave.
Everett, WA 98201-4046

(425) 388-3331
FAX (425) 388-3565

The Snohomish County Prosecutor's Office has filed a complaint with the Everett Division of the Snohomish County District Court charging you with a felony. A copy of this felony complaint has been provided to you.

A District Court Judge has previously reviewed the facts and circumstances related to your arrest and found that probable cause exists to support your current detention.

YOU WILL NOT BE REQUIRED TO APPEAR BEFORE THE DISTRICT COURT UNTIL FURTHER ACTION IN YOUR CASE IS NECESSARY.

You will be held in custody on the felony complaint until it is dismissed at 5:00 PM on the felony dismissal date noted on the complaint. The following actions may result in an earlier or a later release date:

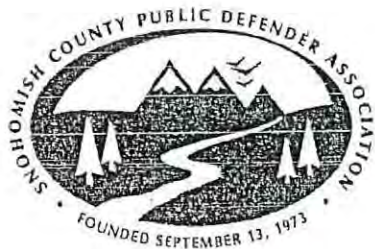
- 1) You and the prosecutor negotiate a guilty plea to a lesser charge;
- 2) The prosecutor requests that the District Court case be dismissed, but files the charge in Superior Court with another bail request;
- 3) You and the prosecutor agree to an extension of the felony dismissal date.

You may choose to negotiate with the Prosecutor or you may wait and see if the Prosecutor will file your case in Superior Court. Unless you have hired private counsel, the Snohomish County Office of Public Defense will contact you to determine if you want to negotiate with the Prosecutor.

If you decide to accept the Prosecutor's offer, you will appear in District Court to enter a plea of guilty. These calendars are held every Monday through Friday (except on Holidays) @ 1:00 PM.

If you decide you do not want to take the Prosecutor's offer, contact your attorney to inform the Prosecutor of your decision. If your case is filed in Superior Court, you will be scheduled to appear in Superior Court to be formally arraigned on the charge and to receive notice on how to have a public defender represent you.

EXHIBIT 2



Snohomish County Public Defender Association

2722 Colby Avenue, Suite 200 • Everett, WA 98201-3527

Phone: 425-339-6300 • Fax: 425-339-6363 • www.snocopda.org

PROBABLE CAUSE HEARING

The State of Washington is holding you in jail and a Judge will determine today whether there is Probable Cause (PC) to continue holding you. This can be a very frustrating stage in the process. The information contained in this handout will help you understand the process. Please read it carefully.

You are not **CHARGED** with a crime at this point, and a Judge's finding of PC does not mean that the Prosecutor will charge or convict you of this/these crime(s). It only means that there is a reasonable belief that you may have committed one or more felonies. The law allows the Prosecutor to hold you in jail for **72 hours** (not counting holidays or weekends) upon a finding of PC to give them time to decide: (1) if any charges will be filed against you, (2) what charges to file against you, and (3) in which court to file the charges. If the Prosecutor fails to file charges within 72 hours, you will be released on this hold.

IF CHARGES ARE FILED IN DISTRICT COURT

If your felony charges are filed in District Court, you will not have an arraignment hearing; you will simply receive paperwork indicating a deadline for the prosecutor to file in Superior Court. This deadline is called a Felony Dismissal Date (FDD). The FDD will be set two Fridays from the date of filing at 5:00pm (between 14 and 18 days, depending on the day of the week charges are filed). Your FDD is NOT a court date, but simply a deadline for the Prosecutor. The Prosecutor will have until the FDD to decide (1) whether the felony charges will be transferred to Superior Court for prosecution or (2) whether they will offer you a plea bargain for one or more misdemeanors. If the Prosecutor does not file charges in Superior Court and they do not offer you a plea bargain to one or more misdemeanors by the FDD, you will be released on this hold. However, this does not mean that charges will never be filed against you—the Prosecutor has time allowed by the statute of limitations, a minimum of 3 years, to file charges against you.

IF CHARGES ARE FILED IN SUPERIOR COURT

If the Prosecutor files felony charges in Superior Court, you will have an arraignment hearing where you will hear the charge(s) against you and have another opportunity to argue bail. If you qualify for a public defender, you will have an attorney assigned after the Prosecutor files in Superior Court.

RELEASE

If you are released on your personal recognizance, or if you post bail, you must keep your address updated with the Court & Prosecutor. If the Prosecutor decides to file charges, you will

THE SUPREME COURT
STATE OF WASHINGTON

DECLARATION OF SERVICE
BY MAILING GR 3.1(c)

I, Stephen P. Dowdney Jr., Proponent, in accordance with General Rule 3.1(c), do hereby declare that I have served the following documents:

Brief in accordance with General Rule 9 Rulemaking.

To the following parties:

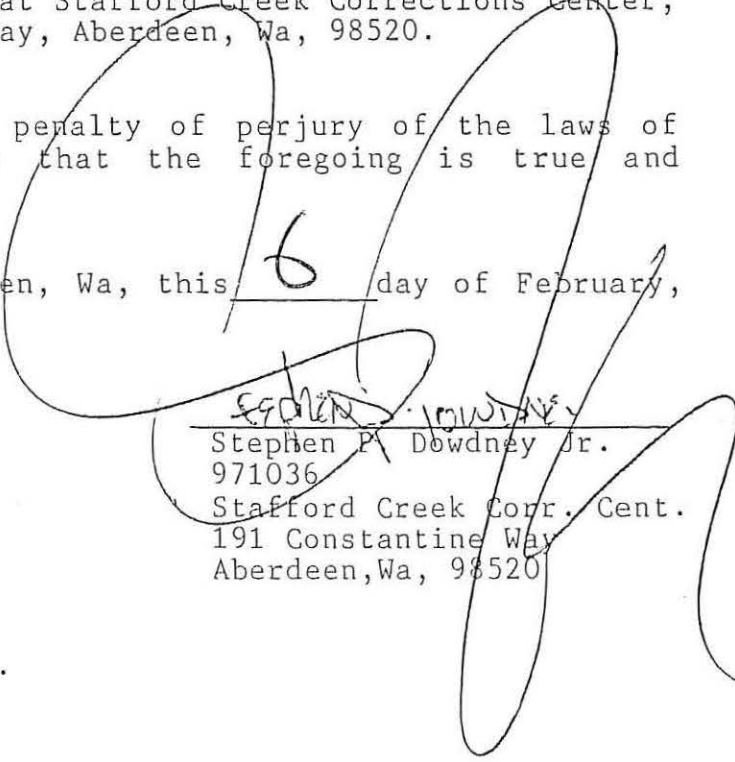
Susan L. Carlson, Supreme Court Clerk
Temple of Justice
PO Box 40929
Olympia, Wa, 98504-0929

(E-Mail/Electronic Filing unavailable)

I deposited the aforementioned document in the U.S. Postal Service by of process LEGAL MAIL through an officers station at Stafford Creek Corrections Center, 191 Constantine Way, Aberdeen, Wa, 98520.

I declare under penalty of perjury of the laws of Washington State that the foregoing is true and correct.

Signed in Aberdeen, Wa, this 6 day of February, 2018.


Stephen P. Dowdney Jr.
971036
Stafford Creek Corr. Cent.
191 Constantine Way
Aberdeen, Wa, 98520

Cc: Dowdney file.



MEMBERS

Francis Adewale
Judge Laura T. Bradley
Hon. Frederick P. Corbit
Lynn Greiner
Hon. David S. Keenan
Lindy Laurence
Michelle Lucas
Salvador A. Mungia
Mirya Muñoz-Roach
Geoffrey G. Revelle, Chair
Andrew N. Sachs

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice

MEMBER

July 16, 2018

SENT VIA ELECTRONIC MAIL TO mary.fairhurst@courts.wa.gov

Chief Justice Mary Fairhurst
Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Fairhurst:

As your fiscal year ends and I near the end of my term as Chair of the Access to Justice (ATJ) Board, I am writing about a number of things.

First, I am writing to let you know that Salvador Mungia will be next Chair of the ATJ Board effective October 1st. The ATJ Board elected Sal as the Chair-Elect last fall in accordance with our Operational Rules. As Chair-Elect over this past year, Sal has served the Board and our mission very well. I am confident that Sal will do an excellent job when he becomes Chair.

Sal joined other Board members and staff at the ABA's National Access to Justice Commissions Meeting in May and was able to make connections with other ATJ Commission Chairs from around the country. You should be pleased to know that our Washington contingent represented our state's work well through presenting our State Plan at a strategic planning workshop and giving an Ignite Talk about race equity during the plenary session. If you are interested, you can view the race equity talk [here](#).

Second, I am writing to find out whether the ATJ Board can expect to receive the same level of funding from the Supreme Court for FY 19. We are very grateful for the \$31,250 in funding over this past year and believe we are good stewards for the funds granted to us. We have spent all of our funding in accordance with the budget we provided earlier. We plan to give a full report about our work and the impact of the funding at our meeting with you on September 6th.

If we can expect continued funding from the Supreme Court, please let me know when we should submit a proposed budget for the Court's approval. Also, we plan to have a draft agenda for our September 6th meeting with the Court by August 15th. We will send you our draft for your input and approval at that time.

If you have any questions or need more information, please do not hesitate to contact me at Geoff.revelle@FisherBroyles.com or Diana Singleton, Access to Justice Manager, at dianas@wsba.org or at 206-727-8205.

Respectfully,

A handwritten signature in cursive script, appearing to read "Geoff G. Revell".

Geoffrey G. Revell
Chair, Access to Justice Board

cc: Ramsey Radwan, Director, AOC Management Services Division
Paula Littlewood, Executive Director, WSBA
Sal Mungia, ATJ Board Chair-Elect

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

June 8, 2018

William D. Pickett, President
Washington State Bar Association
917 Triple Crown Way, Ste. 100
Yakima, WA 98908

Re: Your letter dated May 4, 2018 and Board of Governors Retreat

Dear Bill:

I received your letter dated May 4, 2018 and attachments. The letter and attachments were shared with all of the justices. The justices await the reports from the work group and further recommendations from the Board of Governors (BOG).

I also discussed with the justices whether to attend the BOG retreat and meeting. I would like to attend the BOG retreat scheduled for July 26 and may also attend the BOG meeting scheduled for July 27-28. I would appreciate it if you could provide me with information about both the retreat and meeting, including location, lodging, agenda, and any additional information you find helpful. Thank you.

Very truly yours,

A handwritten signature in black ink that reads "Mary E. Fairhurst".

MARY E. FAIRHURST
Chief Justice

cc: Paula Littlewood, Executive Director



June 18, 2018

Bill Pickett, President
Washington State Bar Association
1325 Fourth Ave, Suite 600
Seattle WA 98101-2539

Paula Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Ave, Suite 600
Seattle WA 98101-2539

To Whom It May Concern:

President Bill Pickett recently requested feedback on the potential creation of a separate legal entity for Sections, bifurcating the current WSBA structure. He presented this concept both at the Spring Section Leaders Meeting on April 30 and in an open letter dated May 7. The following comments are offered by the World Peace Through Law (WPTL) Section.

The WPTL Section focuses on international affairs and issues of war, peace, and law. The WPTL section is a relatively unique – only Washington and Arizona state bars have a WPTL Section. Furthermore, we are relatively small and we have a strong public interest focus, which contrasts with the practice-orientation of some other Sections. We strive to offer frequent CLEs on topics that would be of interest both to members of the bar and the public.

Our Section leadership does not feel that separation of Sections from the rest of the WSBA would serve either Sections, bar members, or the public well, and we would oppose such a structural change at this time. There are several reasons why we do not believe a bifurcation of the entity would be wise. First, the concerns that have been raised by Sections would exist regardless of entity structure. Second, the time and energy needed for reorganization of entities would detract from our ability to focus on providing resources for our members. Third, the suggested interdependence of Sections in a new entity would be potentially detrimental to our Section and Section collegiality.

We would like to first note that the WPTL Section leaders truly appreciate all the support we receive from WSBA staff. Our jobs would be impossible without them. Every staff member has put in a great amount of effort to help whenever we ask, whether the request is big or small. We hope that this strong relationship between Sections and WSBA staff will continue long into the future. Our Section does not feel that we are lacking “control of our own destiny,” and we do not feel in any way hampered by the fact that the WSBA also serves a regulatory function.

As President Bill Pickett alluded to in his talk on April 30, there have been a number of concerns raised by the Sections relating, for instance, to meeting member needs, legislative activity, and communication. While these are important concerns, solving the underlying issues does not require a separate entity, and in some cases would be exacerbated by formation of a new professional organization. The important need at this time is open discussion of Section concerns and planning to address them. Taking time to consider the proposal for a new Section entity simply distracts from and delays this much needed conversation. The WPTL leadership is confident that solutions for all concerns raised by the Sections are possible if we can meet in the spirit of positive and open communication.

The WPTL Section would also like to caution WSBA leadership that a shift to a new entity would necessarily create disequilibrium, and depending on the new entity structure could lead to a greater time commitment on behalf of Section leaders. This could negatively impact the ability of Sections to provide programming and support to members and the public in both the short- and long-term. Section leaders are professionals who volunteer because they are passionate about their area of law. Our careers leave little extra time. Thus, the time we have to commit to Section activities is finite. If we are required to make do with less staff support, or take on extra duties during a time of entity transition, we will have less to commit to the most important part of our jobs – providing our members and the public with education and support. Therefore, the WPTL Section hopes bar leadership will keep this concern in mind when deciding whether to change the current structure of the Bar.

Another concern for our Section is the potential implementation of an entity structure that would create co-dependence between Sections. The current structure of Sections within the WSBA allows Sections to essentially operate independently and on equal footing. This creates a healthy environment for Section communication and interaction. At the Spring Section Leaders meeting, President Pickett suggested that in a new separate entity large Sections could help small Sections financially and otherwise. As a small Section, we do not wish to be part of an entity in which we are financially or otherwise dependent on large Sections. We would hope that any entity of which we are part can maintain the current healthy independence of sections.

In sum, our Section is pleased with the current level of support and the positive aspects of our integration with the WSBA. It is our hope that what issues do exist will be dealt with through open communication within the current entity structure.

Thank you for considering our viewpoint. Please do not hesitate to contact us with any questions.

Sincerely,

/s/ Anna “Mickey” Moritz
Chair, World Peace Through Law Section
(425) 780-0245
atmoritz@gmail.com

cc: Kyle Sciuchetti, WSBA Governor District 3, BOG Liaison for the WPTL Section

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July 5, 2018

Mr. William D. Pickett
President, Washington State Bar Association
1325 4th Avenue, Ste. 600
Seattle, WA 98101

Dear Bill:

Thank you for taking the time out of your busy schedule to attend our 2018 Bar Convention. We really appreciate your speaking to the Board of Governors and giving us your perspective and experience. Thank you for your commitment and dedication to the profession.

Mostly, thank you for your enthusiasm and for helping make the Convention a lot of fun. It was a real pleasure seeing you and Laura. A perfect way to top off a very busy year.

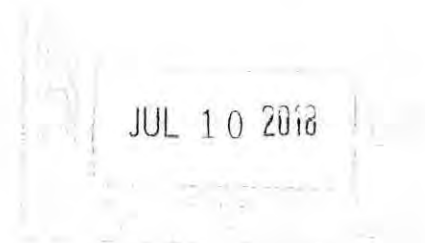
I hope you both enjoyed your visit to the Valley of the Sun.

Sincerely,



Alex B. Vakula
Immediate Past President

ABV:njb



WASHINGTON STATE BAR ASSOCIATION

Board of Governors

William D. Pickett, President

July 18, 2018

By email to Kellie Dightman at kelliedightman@gmail.com

By email to Priscilla Selden at cvlts.pllc@gmail.com

Dear Ms. Dightman, Ms. Selden, and other interested LLLTs,

Thank you for taking the time to reach out to the Board and the Court in your letter dated July 2, 2018. By way of background, I was a member of the Board who voted for the resolution attached to your letter as well as the Bylaw amendments to make LLLTs members of WSBA and to expand the Board composition to include members of the public, LLLTs, and LPOs.

As you know, the board voted at its April 6 special meeting to hold in abeyance implementation of these Bylaw amendments. There were strongly differing opinions about this decision, but as President I am responsible for facilitating the action taken by the majority of the Board; in this case, the Board will decide in September whether and how to follow its current Bylaws after receiving input from the Addition of New Governors Work Group. I notified the Court in May of the Board's decision to hold the Order in abeyance, and ultimately—as the Board moves through this process—it will be the Court's decision whether to let the current Order stand or enter a new one.

I appreciate your passion and contribution as engaged members of our legal community. Please continue to participate in the Addition of New Governors Work Group and correspond with us throughout the process. Your comments are valued.

Peace,



William D. Pickett

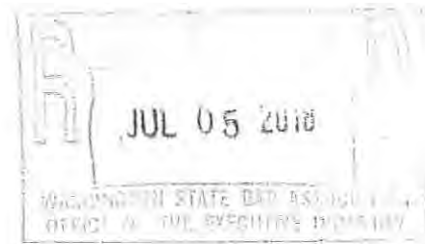
cc: Washington Supreme Court
Practice of Law Board, Hon. Paul Bastine (ret.), Chair
Limited License Legal Technician Board, Stephen Crossland, Chair
Bob Ferguson, Washington State Attorney General
Honorable Governor Jay Inslee



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Honorable Supreme Court Justices
Washington State Supreme Court
415 12th St., W.
Olympia, WA 98504

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



July 2, 2018

Dear Honorable Supreme Court Justices and WSBA Board of Governors:

This letter is regarding *Order No.25700-B-583*, entered by The Supreme Court of Washington on January 4, 2018, increasing the size of the WSBA Board of Governors to include two seats for community members, and one seat specifically designated for an LPO or LLLT. In March and April of this year, the BOG held special meetings to discuss Bylaw amendments eliminating the public member positions and the designated LPO/LLLT seat. A workgroup was convened at the April special meeting to study "if and how" to bring on these three new BOG seats, and to review a proposal to remove them. Special Board Meeting Digest, April 6, 2018.

https://www.wsba.org/docs/default-source/about-wsba/governance/april6recap.pdf?sfvrsn=1b7907f1_0.

This effort stands in direct and purposeful contravention of the Court's Order.

In September 2016, the BOG officially adopted a *Resolution in Support of Limited License Legal Technicians*, copy attached. This resolution details the shared mission of the BOG and LLLTs to serve the public and respond to the desperate need for legal assistance by our community members. The BOG specifically pledged to "strongly support" the LLLT license. However, recently some members of the BOG have taken a decidedly opposite stance. The basis for the drastic change has not been communicated to the WSBA membership, which includes LLLTs.

LLLTs hold their WSBA membership and the mission dear. We are dedicated and committed to being the change needed in our communities. LLLTs are being watched from across the globe. Washington state is being heralded for creating this license to directly respond to the glaring needs of the public. Those eyes are also on WSBA. The BOG has much to gain from embracing those who have ventured into uncharted waters to earn this license. While LLLTs have not been universally welcomed by WSBA members, to the public we are heroes. We are partners. If the BOG does not feel the same, we want to work to change that.

In addition to the LLLT/LPO seat, the BOG must add two community members. It is crucial that those who are served by WSBA are permitted to lend their voices as valued stakeholders. The practice of law must change to keep up with the times, and who better to hear from than those who utilize our services? It is also fundamentally unreasonable and unjust to deny LLLTs a seat at the table in the professional organization they are obliged to join, and to whom they pay annual membership fees.

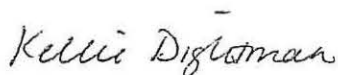
While development of the LLLT license has been long and methodical, the relationship between LLLTs and the BOG is in its infancy. The important work to find a solution that honors WSBA's mission to serve the public and address the profound disparity in access to justice in our state

Honorable Supreme Court Justices
WSBA Board of Governors
July 2, 2018
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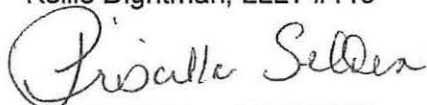
began over a decade ago. The Supreme Court, Practice of Law Board, LLLT Board, many volunteer work groups and advisory committees studied, scrutinized, and collaborated until the LLLT license was ready for implementation. We encourage the BOG to rely on the many accomplishments to date, while work continues to enhance APR 28 to fully actualize the license's impact.

We ask that the stay be lifted, and that the BOG comply with the Court's 1/4/18 order. We also hope that our invitation will be accepted to work on the relationship between the BOG and the entire WSBA membership.

Sincerely,



Kellie Dightman, LLLT #116



Priscilla Selden, LLLT #102

Tamara Garrison, LLLT #120
Angela Wright, LLLT #103
Barbara Esselstrom, LLLT #105
Kim Lancaster, LLLT #109
Renee Janes, LLLT #134
Tracy Swanlund, LLLT #117
Samantha Sherman, LLLT #127
Christine Camper, LLLT #129
Christy Carpenter, LLLT #113
Marya Noyes, LLLT #123
Dawn Severin, LLLT #121
Laura Genoves, LLLT #122
Pattie Reutimann, LLLT #125
Jeanne Barrans, LLLT #114
Leisa Bulick, LLLT #136
Dianne Loepker, #132
Sherri Farr, #133
Candace Sanders #107
Vanessa Ridgway #119

enclosures: Washington Supreme Court Order No. 25700-B-583
WSBA BOG Resolution in Support of Limited License Legal Technicians

cc: Practice of Law Board, Hon. Paul Bastine (ret.), Chair
Limited License Legal Technician Board, Stephen Crossland, Chair
Bob Ferguson, Washington State Attorney General
Honorable Governor Jay Inslee

FILED
JAN - 4 2018
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE APPROVAL OF)
AMENDMENTS TO WSBA BYLAWS)
REGARDING MEMBERS OF THE BOARD)
OF GOVERNORS)

NO. 25700-B- 583

ORDER

The Washington Supreme Court has plenary authority over the practice of law in Washington. The Washington State Bar Association (WSBA) serves as an arm of the Court in regulating and administering licenses to practice law in Washington and effectuating other purposes and functions as set forth in General Rule (GR) 12 and 12.1-12.5. The Court's control over the WSBA extends to ancillary administrative functions as well, including the administration of the organization.

By prior order and rule of this Court, the WSBA has been directed to administer the regulation of the practice of law by Limited Practice Officers (LPOs) (in Admission and Practice Rule (APR) 12 and related rules) and Limited License Legal Technicians (LLLTs) (in APR 28 and related rules).

The Court is aware of and has reviewed amendments to the WSBA Bylaws adopted by the WSBA Board of Governors on September 30, 2016. Amendments to WSBA Bylaws Article IV.A.1 and Article VI.A.2.c and d., and other provisions related to those articles, changed the size and makeup of the Board of Governors to include two community representatives/public Governors and one Governor to be selected from among LPOs and LLLTs (made members of the WSBA by amendments to Article III.A.1. and related provisions).

The Court recognizes that by adoption of these amendments of the WSBA Bylaws, the WSBA Board of Governors voted to change the size and specific makeup of the WSBA Board of Governors from that specified in the State Bar Act, specifically RCW 2.48.030 and .035. The Court finds that these changes in the size and makeup of the WSBA Board of Governors appear necessary to provide for the proper administration of the WSBA, for the consideration of the viewpoints of all members and of the public, and for the accomplishment of the regulatory objectives identified in GR 12.1 and the purposes and functions of the WSBA identified in GR 12.2.

The Court determined, by majority, at its January 3, 2018, En Banc Conference that the amendments should be approved.

Now, therefore, it is hereby

ORDERED:

That the WSBA Bylaws Amendments as described above, increasing the size of the WSBA Board of Governors and changing the makeup as described in those Bylaws, are approved by this Court and shall be given full force and effect. Specifically, this Court approves an increase in the size of the WSBA Board of Governors to a maximum of 18 members, including the President, and that those members shall be elected as provided in the WSBA Bylaws as adopted on September 30, 2016.

DATED at Olympia, Washington this 4th day of January, 2018.

Fainhurst, C.J.
CHIEF JUSTICE

WASHINGTON STATE BAR ASSOCIATION

RESOLUTION IN SUPPORT OF LIMITED LICENSE LEGAL TECHNICIANS

The Washington State Bar Association's mission is to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice. In furtherance of these ideals, the Board of Governors and the profession have an obligation to take reasonable and effective measures to address the enormous unmet civil legal needs of the people in the state of Washington. More than 80% of the state's low-income households experience at least one consequential civil legal problem each year. The legal problems of low-income people are compounded by race, ethnicity, age, disability, immigration status, or status as a victim of domestic or sexual assault. And those in the working middle class lack resources to secure legal representation. These harsh realities persuade us there is a monumental crisis that requires a response.

For these reasons, the Board of Governors of the Washington State Bar Association strongly supports the purpose of Admission and Practice Rule (APR) 28, the court rule enacted by the Washington Supreme Court to create the Limited License Legal Technician (LLLT) license. The LLLT Board has done an exemplary job of implementing APR 28 and is now considering increasing the number of LLLT practice areas recognized in the rule. We support this effort and look forward to both expeditious implementation of the rule changes and expanded LLLT services becoming available to the public. So that LLLTs can better represent their clients, we also support the LLLT Board's exploration of possible rule changes to allow LLLTs to appear in court in a limited fashion and to allow LLLTs to negotiate on behalf of clients within appropriate limitations. We also very much appreciate the support and leadership demonstrated by the Washington Supreme Court.

The Board of Governors believes that in supporting the work of the LLLT Board, we not only advance APR 28 as intended by our Supreme Court but also honor the Washington State Bar Association's mission so that every member of our community, irrespective of financial resources or other social dynamics, has access to our courts and justice.

Unanimously adopted by the Washington State Bar Association Board of Governors on September 29, 2016.

Paula C. Littlewood

Paula C. Littlewood
Executive Director

**Summary of WSBA Outreach Visits
May 5, 2018 to July 20, 2018**

1.	5/11/18	Tacoma, WA	Professionalism in Practice (PiP) Award given to attorney Bill White. Communications Strategies Manager Jennifer Olegario, Communications Specialist Colin Rigley, and Legal Community Outreach Specialist Sue Strachan made the presentation.
2.	5/15/18	Seattle, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar and Legal Community Outreach Specialist Sue Strachan served as mentors for a MentorLink Mixer focusing on non-traditional careers.
3.	5/17/18	Seattle, WA (NALS of Greater Seattle)	Professional Responsibility Counsel Jeanne Marie Clavere presented "Principles of Professionalism and Civility" to this association of legal professionals.
4.	5/18/18	Lynnwood, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with the Legislative Liaisons of the Elder Law Section to discuss the upcoming legislative session.
5.	5/19/18	Bremerton, WA (NAACP Unit 1134)	Legal Community Outreach Specialist Sue Strachan attended the 75 th Annual Freedom Fund Banquet. Many judges, WSBA members, and community leaders were in attendance.
6.	5/23/18	Spokane, WA (WAPA)	Professional Responsibility Counsel Jeanne Marie Clavere presented "Principles of Professionalism and Civility" to legal support staff during this annual training symposium.
7.	5/24/18	Tukwila, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with the Legislative Liaisons of the RPPT Section to discuss the upcoming legislative session.
8.	5/29/18	Tumwater, WA (DFI)	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethics for Government Attorneys" at a CLE for the Washington Department of Financial Institutions.
9.	6/4/18	Mount Vernon, WA (Skagit County Bar)	Professional Responsibility Counsel Jeanne Marie Clavere presented "The Ethics of Representing Pro Bono and Moderate Means Clients."
10.	6/4/18	Chelan, WA (DMCJA)	Executive Director Paula Littlewood gave a "Future of the Profession" presentation during the District & Municipal Court Judges Association DMCJA luncheon.
11.	6/6/18	Spokane, WA (Spokane County Bar)	Gov. Alec Stephens and Legal Community Outreach Specialist Sue Strachan met with Bill Symmes (incoming president), Marla Hoskins (outgoing president) and Julie Griffith (Executive Director) of the SCBA.
12.	6/6/18	Spokane, WA	WSBA Diversity Celebration - Donor and Community

			Partnerships Specialist Laura Sanford, Diversity and Inclusion Specialist Dana Barnett, and Legal Community Outreach Specialist Sue Strachan attended this event.
13.	6/7/18	Bremerton, WA (NJP)	Legal Community Outreach Specialist Sue Strachan attended an open house for the new NJP office in Kitsap County.
14.	6/7/18	Chelan, WA (Municipal and PUD Attorneys Association)	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethics Issues and Conflict of Interest Analyses" at this midyear meeting.
15.	6/14/18	Olympia, WA	Legal Community Outreach Specialist Sue Strachan met with the presidents of the Thurston County Bar, the Government Lawyers Bar, and the Tacoma-Pierce County Bar and participated in this MentorLink Mixer focusing on "Navigating Transitions in Government."
16.	6/15/18	Seattle, WA (Alliance for Equal Justice)	Disciplinary Counsels Debra Slater and Natalea Skvir presented "Overview of Disciplinary System and Confidentiality" during the summer intern orientation.
17.	6/15/18	Port Angeles, WA (Clallam County Bar)	Professional Responsibility Counsel Jeanne Marie Clavere presented "The Ethical Considerations of Serving Nonprofits as Counsel or Director."
18.	6/18/18	Seattle, WA (King County Bar and the Pro Bono Council)	Professional Responsibility Counsel Jeanne Marie Clavere presented "Ethics for Volunteer Lawyer Programs Training and CLE."
19.	6/18/18	Seattle, WA (SU Law School)	Professional Responsibility Counsel Jeanne Marie Clavere and WSBA Member Hunter Abell presented "Principles of Professionalism and Civility" to law students during a Professional Responsibility class.
20.	6/22/18	Seattle, WA (UW Law School)	Sr. Disciplinary Counsel Francesca D'Angelo presented "Overview of the Disciplinary System" to students in a Professional Responsibility class.
21.	6/22/18	Seattle, WA (WLI)	Director of the Office of Disciplinary Counsel Doug Ende presented "21 st Century Ethics: The Crucial Issues" to WLI Fellows.
22.	6/27/18	Seattle, WA (UW Law School)	Executive Director Paula Littlewood and WSBA member Hunter Abell presented a session on professionalism to law students in a Professional Responsibility class.
23.	6/28/18	Olympia, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with the Deputy General Counsel for the Governor's Office.
24.	7/10/18	Seattle, WA	Executive Director Paula Littlewood, Member Services and Engagement Manager Ana LaNasa-Selvidge, Member Services and Engagement Specialist Julianne Unite, Communications Specialist Colin Rigley and Legal Community Outreach Specialist Sue Strachan met with law school representatives during their orientation for service on the Washington Young Lawyers Committee.
25.	7/11/18	Shelton, WA (Mason County Bar)	Legal Community Outreach Specialist Sue Strachan met with members of the county bar and presented a WSBA

26.	7/11/18	Seattle, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with the Legislative Liaisons of the Labor and Employment Law section to discuss the upcoming legislative session.
27.	7/18/18	Ellensburg, WA (Kittitas County Bar)	Legal Community Outreach Specialist Sue Strachan met with Tony Swartz, president of the county bar.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Sara Niegowski, Chief Communications and Outreach Officer

Jennifer Olegario, Communication Strategies Manager

Date: July 10, 2018

Re: **Summary of Media Contacts**, May 2 – July 10, 2018

	Date	Reporter and Media Outlet	Inquiry
1.	May 4	Shayna Posses, Law360	Inquired about Raphael Sanchez, a former attorney at U.S. Immigration and Customs Enforcement, being disbarred in PA, and whether disbarment proceedings are occurring in WA.
2.	May 7	Isabelle Taft, freelancer	Sought information about Phillip Nguyen, an individual posing as a lawyer in Vietnam. Sent Practice of Law Board letters regarding Mr. Nguyen.
3.	May 14	Brandon Lowrey, Law360	Writing about attorneys with disabilities. Inquired (incorrectly) about decrease in difference correlating May monthly demographic count (5%) with 2012 membership survey (21%).
4.	May 14	Reporter Andrew Binion, <i>Kitsap Sun</i>	Inquiring about the disciplinary history of Dennis Xavier Goss
5.	May 18	Emma Cueto, Law360	Writing about character-and-fitness boards nationwide, asking whether we require our character and fitness board members to undergo implicit bias training
6.	May 21	Reporter Paul Gottlieb, <i>Peninsula Daily News</i>	Inquired whether Selinda Barkhuis and Mark Nichols have active legal licenses (they do). Both are running for Clallam County Prosecutor
5.	July 3	Reporter Jessica Prokop, <i>The</i>	Inquired about a commission that sets the rates for public defenders in aggravated-murder and death-penalty cases; we

		<i>Columbian</i>	referred her to the Washington State Office of Public Defense.
6.	July 9	Mindy Rattan, <i>Bloomberg Law</i>	Wanted to know if a referenced advisory opinion—201801 concerning the ethical duties of lawyers moving from firm to firm—was issued (it was, in April 2018).
7.	July 10	Kerri Sandaine, <i>Lewiston Tribune</i>	Inquiring how a criminal case might affect a lawyer's license (member Richard A. Laws has been charged with tampering with evidence in Asotin County); we advised that we generally wait for a criminal case to conclude before proceeding with WSBA discipline.

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Nicole Gustine, Assistant General Counsel
 Date: July 11, 2018
 Re: Court Rules Update

This is the regular report on the status of suggested court rules submitted by the Board of Governors and other entities to the Supreme Court. Any changes from the last report are indicated in **bold**, **shaded**, **italicized text**.

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
ELC 2.5, ELC 2.7, ELC 3.3, ELC 3.4, ELC 4.2, ELC 5.3, ELC 5.5, ELC 5.6, ELC 6.6, ELC 9.3, ELC 10.7, ELC 10.16, ELC Title 15, ELC 15.1	Proposed amendments to ELC 2.5 – Hearing Officers, ELC 2.7 – Conflicts Review Officer, ELC 3.3 – Application to Stipulations, Disability Proceedings, Custodianships, and Diversion Contracts, ELC 3.4 – Release or Disclosure of Otherwise Confidential Information, ELC 4.2 – Filing; Orders, ELC 5.3 – Investigation of Grievance, ELC 5.5 – Investigatory Subpoenas, ELC 5.6 – Review of Objections to Inquires and Motions to Disclose, ELC 6.6 – Affidavit Supporting Diversion, ELC 9.3 – Resignation in Lieu of Discipline, ELC 10.7 – Amendment of Formal Complaint, ELC	7/22/16: Approved submission to Court.	12/7/16: The Court published for comment. Comment period ends 4/30/17. ¹ 6/1/17: The Court adopted ELC 2.5, ELC 2.7, ELC 4.2, ELC 5.3, ELC 5.5, ELC 5.6, ELC 9.3, ELC 10.7, ELC 10.16, ELC Title 15, and ELC 15.1. 12/6/17: The Court adopted ELC 3.3, ELC 3.4, ELC 6.5, and ELC 6.6.

¹ The Court has requested comment from DART on ELC 3.3, ELC 3.4, and ELC 6.6.



SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	10.16 – Decision of Hearing Officer, ELC Title 15 – Trust Account Examinations Overdraft Notification, and IOLTA, and ELC 15.1 – Random Examination of Books and Records.		
ELPOC 15.5	Proposed amendments to ELPOC 15-5 – Declaration, Disciplinary Regulations Applicable to ELPOC Title 15.	11/2016: Approved submission to Court.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017. 11/8/17: The Court adopted the rule.
RPC 1.0A, RPC 1.10, RPC 1.11	Proposed amendments to RPC 1.0A – Terminology, RPC 1.10 – Imputation of Conflicts of Interest: General Rule, and RPC 1.11 – Special Conflicts of Interest for Former and Current Government Officers and Employees.	3/19/15: Approved submission to Court.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017. 12/6/17: The Court adopted the rules.
RPC 1.6, RPC 7.3, RPC 8.4	Proposed amendments to RPC 1.6 – Confidentiality of Information, RPC 7.3 – Solicitation of Clients, and RPC 8.4 –	3/19/15: Approved submission to Court.	6/1/17: The Court entered an order to publish the proposed amendments for comment, with



SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	Misconduct.		comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted the rules.
APR 8(f)(1), APR 14(c)(1)	Proposed amendments to APR 8(f)(1) – Nonlawyer License to Practice Law, and APR 14(c)(1) – Limited Practice Rule for Foreign Law Consultants.	N/A ²	11/8/17: The Court adopted the rules.
RPC 1.7, RPC 1.15A, RPC 4.2	Proposed amendments to RPC 1.7 – Conflict of Interest: Current Clients, RPC 1.15A – Safeguarding Property, and RPC 4.2 – Communication with Person Not Represented by a Lawyer.	9/6/17: Approved submission to Court.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted RPC 1.7 and RPC 1.15A.
IRLJ 3.3, RALJ 9.2	Proposed amendments to IRLJ 3.3 – Procedure at Contested Hearing, and RALJ 9.2 – Entry of Decision and Enforcement Judgement.	7/27/17: Approved submission to Court.	12/6/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April

² Due to an error, the amendments simply correct the name of the oath – not substantive.



SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
			30, 2018. 6/7/18: The Court adopted the rules.
CrR 7.2	Proposed amendment to CrR 7.2 – Sentencing.	N/A ³	2/7/18: The Court adopted the rule.
Standard 14.1 for CrR 3.1, JuCR 9.2, CrRLJ 3.1	Proposed amendments to the Standards for Indigent Defense, Standard 14.1 for CrR 3.1, JuCR 9.2, and CrRLJ 3.1.	11/16/17: Approved submission to Court.	4/5/18: The Court adopted the rule.
GR 25	<i>Proposed amendments to GR 25 – Practice of Law Board, and Rescind Practice of Law Board Regulations.</i>	<i>1/19/18: Submitted to BOG as Information.</i>	<i>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.</i>

³ In January 2018, a WSBA Court Rules and Procedures Committee member noticed outdated citations in the comments to the Rule. The Committee Chair referred the matter to the Committee’s AOC liaison. The AOC decided to forward the information regarding the outdated citations directly to the Court. The Court amended the rule to correct the citations at its February 7, 2018 en banc administrative conference.



SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT

RULE	SUBJECT	BOG ACTION	COURT ACTION
IN THE MATTER OF SUGGESTED AMENDMENTS TO APR 28—LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS; APR 28 APPENDIX—REGULATION 2 PRACTICE AREAS—SCOPE OF PRACTICE AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE; APR 28 APPENDIX REGULATION 3—EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND APPROVAL OF EDUCATION PROGRAMS; OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD; RULES OF PROFESSIONAL CONDUCT (RPC) 1.0B—ADDITIONAL WASHINGTON TERMINOLOGY; RPC 1.17—SALE OF LAW PRACTICE; RPC 4.3—DEALING WITH A PERSON NOT REPRESENTED BY A LAWYER; RPC 5.8—MISCONDUCT INVOLVING LAWYERS AND LLLTs NOT ACTIVELY LICENSED TO PRACTICE LAW; RPC 8.1—BAR ADMISSION AND DISCIPLINARY MATTERS; AND LLLT RULES OF PROFESSIONAL CONDUCT (LLLTPC) LLLT RPC 1.0B—ADDITIONAL TERMINOLOGY; LLLT RPC 1.2—SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LLLT; LLLT RPC 1.5—FEES; LLLT RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES; LLLT RPC 1.15A—SAFEGUARDING POLICY; LLLT RPC 1.16—DECLINING OR TERMINATING REPRESENTATION; LLLT RPC 1.7 SALE OF A LAW PRACTICE; LLLT RPC 2.3 [RESERVED]; LLLT RPC 3.1—ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE A TRIBUNAL; LLLT RPC 3.6-3.9 [RESERVED]; LLLT RPC 4.1—TRUTHFULNESS IN STATEMENTS TO OTHERS; LLLT RPC 4.2—COMMUNICATION WITH PERSON REPRESENTED BY LAWYER; LLLT RPC 4.3—DEALING WITH PERSON NOT REPRESENTED BY LAWYER; LLLT RPC 5.4—PROFESSIONAL INDEPENDENCE OF A LLLT; LLLT RPC 5.5 UNAUTHORIZED PRACTICE OF LAW; LLLT RPC 8.1—LICENSING, ADMISSION, AND DISCIPLINARY MATTERS; LLLT RPC 8.4—MISCONDUCT	<i>Proposed amendments. See Rule Section.</i>	1/19/18: <i>Submitted to BOG as Information.</i>	6/7/18: <i>The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 14, 2018.</i> 6/7/18: <i>The Court issued an amended order due to an error.</i>



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
APR 11	The Superior Court Judges' Association recommended the Proposed Amendments to APR 11 – Continuing Legal Education.	11/4/15: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2016.
New Rule GR 36	The American Civil Liberties Union of WA recommended the proposed new General Rule 36 – Jury Selection.	11/2/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2017.
RAP 10.4(a)(1)	The Washington Association of Criminal Defense Lawyers recommended the proposed amendments to RAP 10.4(a)(1) – Preparation and Filing of Brief by Party.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017. 11/8/17: The Court adopted the rule.
CR 11(b)	Ms. Ruth Laura Edlund recommended the proposed amendments to CR 11(b) – Signing, Drafting of Pleadings, Motions, and Legal Memoranda: Sanctions.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.
GR 35(e), RAP 9.2(c), RAP 9.5, RAP 10.2, RAP 11.3, RAP 15.2, RAP 15.4, RAP 17.3, RAP 17.7, RAP 18.13, RAP 18.13A, RAP Form 12, RAP Form 15A.	The Court of Appeals' Committee recommended the proposed amendments to GR 35(e) – Official Certified Superior Court Transcripts, RAP 9.2(c) – Verbatim Report of Proceedings, RAP 9.5 – Filing and Service of Report of Proceedings, RAP 10.2 – Time for Filing Briefs, RAP 11.3 – Date of Argument, RAP 15.2 – Determination of Indigency and Rights of Indigent Party, RAP 15.4 – Claim for Payment of Expense for Indigent Party, RAP 17.3 – Content of Motion, RAP 17.7 – Objection to Ruling – Review of Decision on Motion, RAP 18.13 – Accelerated Review of Dispositions in Juvenile Offense Proceedings, RAP 18.13A – Accelerated Review of Juvenile Dependency Disposition Orders, Orders Terminating Parental Rights, and Dependency Guardianship Orders, RAP Form 12 –	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017. 11/8/17: The Court adopted all rules except for RAP 10.2. 12/6/17: The Court adopted RAP 10.2.



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
	Order of Indigency, and RAP Form 15A – Notice of Filing Verbatim Report of Proceedings (RAP 9.5).	
New Rule ER 413	The Columbia Legal Services, et al., recommended the proposed amendments to new rule ER 413 – Immigration Status.	6/1/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 15, 2017. 11/8/2017: The Court adopted the rule.
RAP 3.4	The Office of Public Defense recommended the proposed amendments to RPA 3.4 – Title of Case and Designation of parties.	6/1/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted the rule.
JuCR 7.7; CrRLJ 4.2(G); CrRLJ 4.2(G)	The Washington State Pattern Forms Committee recommended the proposed amendments to JuCR 7.7 – Statement on Plea of Guilty; CrRLJ 4.2(g) – Statement of Defendant on Plea of Guilty; and CrRLJ 4.2(g) – “DUI” Attachment.	6/28/17: The Court adopted the rules. 9/6/17: The Court adopted the amended rule to CrRLJ 4.2(g). ⁱ
RAP 2.4(c)	The Court of Appeals’ Rules Committee recommended the proposed amendments to RAP 2.4(c) – Scope of Review of a Trial Court Decision.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted the rule.
RALJ 9.3	The Washington Defender Association recommended the proposed amendments to RALJ 9.3 – Costs.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018.
RAP 14.2	Mr. Gideon Newmark, Office of Public Defense recommended the proposed amendments to RAP 14.2 – Who is Entitled to Costs.	12/6/17: The Court adopted the rule.



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
CRLJ 5(e), CrRLJ 5.1(b), IRLJ 4.1(b)	The District and Municipal Court Judges' Association recommended the proposed amendments to CRLJ 5(e) – Service and Filing of Pleadings and Other Papers, CrRLJ 5.1(b) – Commencement of Actions, and IRLJ 4.1(b) – Notification to Department of Licensing of Traffic Infraction.	12/6/17: The Court adopted the rules.
APR 8	Ms. Kristy Healing and the Washington Supreme Court Commission on Children in Foster Care recommended the proposed amendments to APR 8 – Limited Admissions.	12/6/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted the rule.
CrRLJ 4.2(g)	The Washington State Pattern Forms Committee recommended the expeditious adoption of the proposed amendments to CrRLJ 4.2(g) – Statement of Defendant on Plea of Guilty.	3/7/18: The Court adopted the rule.
CrR 4.2(g); CrR 4.2(g)	The Washington State Pattern Forms Committee recommended the expeditious adoption of the proposed amendments to CrR 4.2(g) – Statement of Defendant on Plea of Guilty to Non Sex Offense; and CrR 4.2(g) – Statement on Plea of Guilty to Sex Offense.	3/7/18: The Court adopted the rules.
New GR 37	The Jury Selection Workgroup convened by the Supreme Court recommended the proposed new General Rule 37 – Jury Selection.	4/5/18: The Court adopted the rule.
GR 14.1	<i>The Office of Reporter of Decisions recommended the expeditious adoption of the proposed amendments to GR 14.1 – Appendix Style Sheet.</i>	6/7/18: The Court adopted the rule. 6/29/18: The Court adopted the amended order.
New GR 38	<i>The Superior Court Judges' Association recommended the suggested new GR 38 – Prohibition of Bias.</i>	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.



¹ In the June order, the Court adopted the “four” convictions language, and at the September En Banc, the Court adopted the “three” convictions language proposal.



WASHINGTON STATE BAR ASSOCIATION

ACTIVITY REPORT

Alec Stephens, At-Large (B)

Date May 1 to June 30, 2018

LIAISON DUTIES:

6-7	WSBA Judicial Recommendation Committee Meeting
6-20	Civil Rights Law Section Executive Committee Conference Call Meeting

WSBA and BOG COMMITTEE MEETINGS:

5-3	Meeting with WSBA Staff regarding Diversity Committee participation with the Judge Pro-Tem Program and Outreach to Minority Bar Associations.
5-4	WSBA Diversity Committee Conference Call Planning Meeting Between Co-Chairs & WSBA Staff (I am the BOG Co-Chair)
5-17 & 18	BOG Meetings in Seattle
5-22	BOG Personnel Committee Meeting
6-1	WSBA Diversity Committee Conference Call Planning Meeting Between Co-Chairs & WSBA Staff (I am the BOG Co-Chair)
6-6	Travel to Spokane to Represent the Diversity Committee at the WSBA Diversity & Inclusion 5-Year Anniversary Celebration and CLE (I am the BOG Co-Chair)
6-9	WSBA Diversity Committee Meeting (I am the BOG Co-Chair)
6-18	BOG Budget & Audit Committee Meeting (Conference Call Participant)
6-21	BOG Personnel Committee Meeting
6-25	BOG Special Meeting to Elect District 2 Governor for Unexpired Term (100% Conference Call Meeting)

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

5-18	Attended Loren Miller (African American) Bar Association's 50 th Anniversary Dinner.
5-22	Attended WSBA-King County Bar Association Leadership Lunch

ACTIVITY REPORT
Brian Tollefson, Sixth District
May 3, 2018 to July 12, 2018

LIAISON DUTIES:

May 4	Kitsap County Bar Association Monthly Lunch
May 11	Grays Harbor Bar Association Event
June 19	Tacoma-Pierce County Bar Association Board of Trustees Monthly Meeting
June 13	Mason County Bar Association Monthly Meeting

WSBA and BOG COMMITTEE MEETINGS:

May 17 - 18	Board of Governors Meeting, Seattle, WA
June 25	Board of Governors Special Meeting, Seattle, WA
May 16 & June 25	BOG Nominations Committee Meeting, Seattle, WA
May 22	BOG Personnel Committee Meeting via Phone, Seattle, WA
July 12	Addition of New Governors Work Group via phone, Seattle, WA

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

May 11 & July 12	WSBA Juvenile Law Section Executive Committee Conference Call Meetings
May 21	Hon. Robert J. Bryan American Inns of Court Event



WASHINGTON STATE BAR ASSOCIATION

Board of Governors

ACTIVITY REPORT Christina Meserve, District 10 May 3, 2018 – July 2, 2018

WSBA and BOG COMMITTEE MEETINGS:

5/3/18	Telephone Conversation with Compensation Consultant
5/16/18	Nominations Committee
5/16-18/18	Board of Governors
5/22/18	Personnel Committee (telephone)
6/21/18	Personnel Committee
6/25/18	Nominations Committee (telephone)
7/2/18	Executive Committee (telephone)
7/2/18	Mission Performance Committee (telephone)

SPECIALTY, COUNTY AND MINORITY BARS OUTREACH:

5/22/18	Thurston County Bar Association Continued Legal Education with Justice Gonzalez
6/8/18	Thurston County Family Law Section Meeting
6/29/18	Family Law Section Executive Committee, Semiahmoo
6/29-7/1/18	Family Law Section Midyear



WASHINGTON STATE BAR ASSOCIATION

Board of Governors

ACTIVITY REPORT

Kyle D. Sciuchetti, District 3

Date February 21, 2018 to July 11, 2018

WSBA and BOG COMMITTEE MEETINGS:

2/23/2018	2018 Goldmark Award Luncheon in Seattle
3/8-9/18	BOG Meeting in Olympia
3/15/2018	World Peace Through Law Meeting
3/19/2018	BOG Meeting in Seattle
3/29/2018	BOG Meeting in Seattle
4/6/2018	BOG Special Meeting Public in Seattle
4/18/2018	WSBA Legislative Review Committee by phone
4/18/2018	World Peace Through Law Board Meeting by phone
4/20/2018	BOG Committee on Professional Ethics Meeting in Seattle
4/26/2018	Budget Committee Meeting by phone
4/26/2018	BOG Executive Committee Meeting by phone
5/8/2018	Meeting with Geoff Revelle in Seattle
5/16-18/2018	BOG Meeting in Seattle
6/14/2018	Washington State Bar Foundation Board of Trustees Meeting in Seattle by phone
7/2/2018	BOG Executive Committee Meeting by phone
7/2/2018	BOG Committee on Mission Performance and Review by phone
7/2/2018	BOG Committee on Professional Ethics Meeting by phone



WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Executive Management Team

Date: July 16, 2018

Re: Q3 FY 2018 Management Report

INFORMATION: Q3 FY 2018 Management Report

Attached are annotated FY2018 Operational Priorities, which score the organization's progress through Q3 in achieving FY2018 priorities that are linked to WSBA's Mission Focus area and Strategic Goals.

Also attached is the Organizational Context Chart, which provides background information about WSBA from FY2004 through FY2017, including data and trends related to Members, Regulatory Functions, Engagement & Outreach, Member Benefits & Professional Development, Operations, and Milestones.

2004-2017 ORGANIZATIONAL CONTEXT CHART

MEMBERS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017
Lawyers:	Total / Median Age ¹	29,199 / 47	30,061 / 47	30,963 / 48	31,912 / 48	32,635 / 48	33,444 / 49	34,034 / 49	34,554 / 49	35,023 / 49	35,477 / 50	36,296 / 50	37,373 / 50	38,162 / 48	38,540 / 50
	Active / Median Age	24,449 / 46	25,186 / 47	25,912 / 47	26,781 / 47	27,398 / 47	27,880 / 47	28,520 / 48	28,815 / 48	29,190 / 48	29,731 / 48	30,487 / 48	31,437 / 48	31,998 / 48	32,189 / 48
	Inactive / Median Age	3,671 / 48	3,740 / 49	3,875 / 50	3,920 / 50	4,001 / 51	4,279 / 51	4,208 / 52	4,416 / 52	4,676 / 53	4,628 / 53	4,695 / 54	4,834 / 55	5,073 / 55	5,224 / 55
	Voluntary Resign. / Median Age	204 / 50	168 / 52	181 / 53	246 / 56	277 / 58	255 / 58	391 / 57	405 / 62	440 / 60	454 / 63	488 / 63	524 / 63	606 / 64	596 / 66
	Pro Hac Vice	data unavailable	380	517	480	488	506	481	664	623	624	590	638	365	532
Limited Practice Officers:		1,250	1,300	1,349	1,403	1,370	1,291	1,207	1,130	1,069	1,027	1,003	968	963	950
Limited License Legal Technicians:												introduced 2015	3	16	24
Section Members:		8,236	8,324	8,132	8,739	7,747	7,770	9,497	9,815	9,861	9,968	10,196	10,150	10,617	10,819
Volunteers:	Positions ^a							data unavailable	1,151	1,039	912	895	827	850	784
	CLE Volunteers													data unavailable	614
	Public Service ⁱⁱ									1,036	1,194	815	759	862	899
	Pro Bono Hours (lawyers / hrs. reported on license form)			data unavailable	4,831 / 286,562	4,226 / 296,776	5,415 / 359,728	5,639 / 371,578	3,905 / 282,575	3,712 / 261,402	4,370 / 280,176	5,515 / 351,935	6,051 / 362,846	4,795 / 327,933	4,902 / 345,525
REGULATORY FUNCTIONS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017
Lawyer Admissions:	All applicants	1,765	1,772	1,821	1,771	1,736	1,674	1,739	1,713	1,694	1,655	2,091	1,956	1,751	1,875
	Admissions (by: exam / motion / transfer)	939 / 248 / 0	987 / 270 / 0	951 / 263 / 0	1,116 / 302 / 0	973 / 243 / 0	982 / 235 / 0	948 / 249 / 0	926 / 229 / 0	932 / 246 / 0	880 / 292 / 9	1,023 / 393 / 65	893 / 726 / 87	833 / 559 / 96	750 / 530 / 105
Licensing: (calendar year)	MCLE Form 1-IV	17,399	15,675	15,777	16,313	18,104	20,041	18,472	19,147	19,536	19,002	19,794	19,330	21,954	22,098
	Hardship Exemptions							introduced FY11	169	130	140	115	107	115	101
Discipline: (calendar year)	Payment Plan									introduced FY13	46	61	59	54	65
	Consumer Affairs ^v	13,575	11,525	11,379	11,645	11,379	10,360	7,851	6,409	5,098	8,503	6,608	6,694	5,652	5,311
	Grievances	1,938	1,935	1,847	2,029	1,904	1,769	2,144	2,156	2,329	2,228	2,165	2,081	1,830	1,894
	Divisions	32	74	69	63	43	22	38	42	34	30	32	28	15	11
	Actions Imposed (total / disbarments / suspensions)	76 / 19 / 24	83 / 13 / 32	69 / 23 / 26	73 / 25 / 26	81 / 18 / 26	62 / 16 / 20	93 / 25 / 24	74 / 28 / 18	85 / 32 / 21	95 / 32 / 31	71 / 23 / 34	74 / 19 / 27	70 / 21 / 31	88 / 32 / 35
Random Exams: Lawyers / calendar year		69	54	78	40	6	59	100	45	20	0	0	121	79	80
Rule 9 Interns:		497	376	413	424	479	393	397	432	464	405	378	322	312	282
Law Clerks:		36	49	47	42	41	44	49	57	60	60	67	71	72	95
Client Protection Fund:(applications/ payments ^v)		84 / \$313,721	47 / \$147,247	66 / \$468,696	34 / \$539,789	43 / \$899,672*	33 / \$449,050	78 / \$554,270	72 / \$1,003,458*	39 / \$378,574	45 / \$423,508	44 / \$337,160	58 / \$495,230	44 / \$239,842	47 / \$439,273
Unauthorized Practice Law:	Complaints (filed / dismissed)	46/19	37/4	41/13	32/10	34/20	54/18	60/19	61/31	43/15	62/28	52 / 34		44 / 49**	30/10
	Referral / Deferral Letters ^{vi}	9 / 15 / 0	17 / 4 / 1	6 / 2 / 2	9 / 4 / 1	9 / 13 / 3	16 / 8 / 1	11 / 5 / 2	17 / 3 / 7	9 / 8 / 2	10 / 1 / 0	4 / 4 / 0	no data*	29 / 3*	16/0
ENGAGEMENT & OUTREACH		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017
Programming:	Decoding the Law (programs / participation)													introduced FY17	6 / 467
	Diversity & Inclusion (events & presentations / participation)										introduced FY14	14 / 567	17 / 672	19 / 864	20 / 694
	Mentorship (events / participation) ^{iv}													introduced FY17	5 / 131
	New Member Program Participation ^{vi}													data unavailable	174
Service Center Calls / emails ^{vii}		90,850	*76,152		data unavailable	*76,188	70,774	62,340	49,957	46,474 / 17,319	45,093 / 20,540	38,588 / 21,187	35,828 / 17,970	32,771 / 16,202	
Website:	wsba.org site visits							data unavailable	3,628,474	3,447,088	3,697,123	3,512,168	3,527,824	3,184,834	4,609,299
	wsba.org home page visits							data unavailable	1,379,144	1,305,263	1,235,479	1,166,862	1,100,229	1,560,284	1,895,773
	Lawyer Directory visits							data unavailable	1,769,558	1,613,296	1,520,793	1,354,613	1,238,116	1,392,694	1,153,615
	Job Target (site visits/postings)							introduced FY12	60,795 / 112	185,099 / 357	351,102 / 465	340,660 / 544	307,296 / 632	229,367 / 481	
Social Media:	Facebook (likes / impressions) ^{viii}							introduced FY12	450	859	1,378	1,741	2,115	2,429 / 712,300	
	Twitter (followers / impressions)							introduced FY13	1,443	1,905	2,389	3,059	3,488 / 350,100		
	NWSidebar (subscribers / visits per month)							introduced FY13	258 / 7,462	415 / 8,042	493 / 8,530	659 / 8,686	637 / 8,457		

2004-2017 ORGANIZATIONAL CONTEXT CHART

MEMBER BENEFITS & PROF. DEV.		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017
Ethics Outreach:	Calls / presentations	data unavailable					2,133	2,795	3,629	3,370	3,147	3,241 / 35	2,939 / 34	2,803 / 35	2,594 / 38
	Consultations	data unavailable									101	41*	100	82	100
Practice Management Assistance:	Lending Library	data unavailable													400
	Presentations / attendees**	data unavailable								27 / 1,235	28 / 1,010	27 / 557 / 4,784	29 / 746 / 4,589	17 / 418	3 / 55
Lawyer Assistance Program:	Practice Management Discounts**	data unavailable											639	1,084	888
	Consultations	data unavailable								688	765	212	172	298	194
Legal Research (CaseMaker): Users	Presentations / attendees	data unavailable								11 / 640	15 / 850	12 / 591	4 / 4,250	9 / 5,495	6 / 1,238
	Member Assistance Program Consults***	data unavailable										introduced FY14	15 / 43	34 / 53	51 / 63
Malpractice Insurance (ALPS): Firms / Members		data unavailable													
		data unavailable										introduced FY15	307 / 616	492 / 921	581 / 1,034
CLE Seminars:	Programs / credits offered	116	118 / 697.75	122 / 717.75	120 / 649.50	112 / 657.75	129 / 658.25	107 / 632.25	110 / 645.75	101 / 662.25	79 / 518	60 / 405.25	54 / 402.75	58 / 389.25	72 / 365.5
	In-person attendees**	5,287 / 11,047	5,170 / 9,868	5,942 / 11,566	5,501 / 10,252	5,885 / 10,848	5,382 / 9,934	4,087 / 8,778	1,593 / 6,879	1,870 / 6,430	1,909 / 5,423	2,126 / 4,648	2,541 / 4,335	1,336 / 2,918	1,675 / 2,455
Legal Lunchbox**	Webcast attendees**	introduced FY2009					658 / 666	2,182 / 2,196	4,882 / 4,723	4,479 / 4,508	4,202 / 4,221	2,833 / 2,841	2,827 / 2,836	2,955 / 2,972	1,399 / 1,402
	Programs / credits offered	introduced FY14													
New Member Education:	Attendees (unduplicated / total)	introduced FY14													
	Programs / credits offered	introduced FY11													
On-Demand Seminars:	Attendees (in-person / webcast)	introduced FY11													
	Programs / credits offered	introduced FY11													
Mini CLEs:	On-Demand programs sold / credit hours delivered	1,124 / NA	1,535 / NA	2,957 / NA	4,050 / NA	4,622 / NA	5,639 / NA	5,697 / NA	4,825 / NA	6,087 / NA	5,909 / NA	6,624 / NA	6,518 / 21,895.25	6,498 / 23,821.25	6,413 / 25,930.25
	Desk books (including on-line Desk Books) / course books	211 / 147	695 / 795	1,828 / 983	1,432 / 893	492 / 829	864 / 674	970 / 627	949 / 511	713 / 443	700 / 474	546 / 443	936 / 288	650 / 324	396 (285) / 231
	Programs / credits offered	3 / 3.5	13 / 30.5	21 / 41.5	26 / 52.5	35 / 72.5	57 / 110.75	37 / 50.5	41 / 57	36 / 67.75	41 / 86.5	43 / 105	39 / 52.25	54 / 60	36 / 46.25
	Attendees	79	665	847	989	1,254	1,572	1,245	1,327	1,196	1,591	1,854	2,451	2,528	1,787
OPERATIONS		FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017
Budgeted FTE		123.9	126.0	134.3	138	140.75	142.87	144.12	146.1	143.9	140.7	139.95	145.95	144.45	141.9
	Turnover	20%	data unavailable	15%	12%	19%	7%	8%	12%	18%***	14%	18%	22%	16%	16%
Lawyer License Fees:	Active Lawyer Fee	\$375	\$383	\$391	\$399	\$407	\$415	\$450	\$450	\$450	\$325	\$325	\$325	\$385	\$385
	CPF Assessment	\$13	\$13	\$13	\$15	\$15	\$15	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Limited Practice Officer License Fee:	Keller Deduction (amount / % taking deduction)	\$1.94 (10%)	\$3.70 (11%)	\$2.14 (10%)	\$3.80 (10%)	\$3.15 (10%)	\$3.45 (9%)	\$3.95 (13%)	\$4.40 (14%)	\$6.00 (17%)	\$6.40 (17%)	\$4.70 (16%)	\$4.40 (13%)	\$3.50 (14%)	\$2.50 (14%)
		\$85	\$85	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110
Limited Legal License Technician License Fee:		introduced 2015													
# Donors to WSBF / WSBF grant to WSBA:		introduced 2015													
General Fund	Budgeted	\$11,835,371	\$12,429,364	\$13,157,970	\$13,840,420	\$14,935,591	\$15,251,745	\$16,594,854	\$16,991,025	\$17,112,690	\$15,137,529	\$14,562,325	\$14,757,180	\$16,420,637	\$16,890,224
	Actual	\$12,043,769	\$13,218,235	\$13,980,849	\$14,611,383	\$14,612,599	\$15,071,222	\$17,077,440	\$17,308,336	\$17,797,242	\$15,349,822	\$15,335,749	\$15,266,002	\$16,937,121	\$17,584,851
General Fund	Budgeted	\$11,592,829	\$12,429,304	\$13,157,487	\$14,717,511	\$15,190,916	\$17,202,812	\$16,184,798	\$16,667,875	\$16,934,743	\$15,594,088	\$16,562,819	\$17,904,053	\$18,757,977	\$18,887,569
	Actual	\$11,051,897	\$12,069,956	\$13,077,385	\$14,011,799	\$14,795,034	\$16,559,591	\$15,520,074	\$16,028,974	\$16,323,442	\$15,097,982	\$16,493,451	\$17,966,538	\$18,121,119	\$18,139,636
General Fund Net Income(Loss):	Budgeted	\$242,542	\$60	\$483	(\$877,091)	(\$255,325)	(\$1,951,067)	\$410,0586	\$323,150	\$177,947	(\$456,559)	(\$2,000,489)	(\$3,146,873)	(\$2,337,340)	(\$1,997,345)
	Actual	\$991,873	\$1,148,279	\$903,464	\$599,584	(\$182,435)	(\$1,488,369)	\$1,557,366	\$1,279,362	\$1,473,800	\$251,840	(\$1,157,702)	(\$2,700,536)	(\$1,183,998)	(\$554,785)
General Fund Balance:		\$2,724,324	\$3,920,348	\$4,823,814	\$5,423,398	\$5,240,962	\$4,434,586	\$5,991,957	\$7,271,320	\$8,745,117	\$8,960,772	\$7,803,070	\$5,102,534	\$3,918,536	\$3,363,751
Continuing Legal Education Fund Balance:		\$1,436,141	\$1,585,026	\$1,954,241	\$1,991,838	\$1,947,887	\$1,079,796	\$1,408,491	\$1,351,464	\$1,341,266	\$1,192,124	\$458,415	\$53,090	\$456,568	\$485,582
Sections Fund Balance:		\$832,805	\$780,129	\$878,817	\$896,930	\$805,101	\$711,521	\$677,666	\$773,328	\$904,933	\$1,028,539	\$1,074,417	\$1,229,705	\$1,212,637	\$1,197,726
Client Protection Fund Balance:		\$632,477	\$821,669	\$796,155	\$699,239	\$231,804	\$184,640	\$434,823	\$261,318	\$791,399	\$1,213,602	\$1,746,010	\$2,144,289	\$2,646,222	\$3,242,299
TOTAL FUND BALANCES:		\$5,625,747	\$7,107,172	\$8,453,027	\$9,011,405	\$8,225,754	\$6,410,543	\$8,512,937	\$9,657,430	\$11,782,715	\$12,395,037	\$11,081,912	\$8,540,731	\$8,244,922	\$8,308,990

2004-2017 ORGANIZATIONAL CONTEXT CHART

<p>WJLI founded</p> <p>TIMSS Member Database</p> <p>Campaign for Equal Justice created</p> <p>Alliance for Equal Justice created</p> <p>Supreme Court adopts Access to Justice Technology Principles</p> <p>New Section: Legal Assistance to Military Personnel (LAMP)</p>	<p>Case Maker offered to members</p>	<p>New Mission Statement & Guiding Principles</p> <p>ABA Report on Discipline System</p> <p>New Character & Fitness rules</p> <p>New Sections: Juvenile Law and Sexual Orientation and Gender Identification Issues (SOGII)</p> <p>ADR Program, LAP & LOMAP Committees Sunsetting</p>	<p>New Executive Director</p> <p>Mandatory reporting of insurance requirements</p> <p>WSBA move to Puget Sound Plaza</p>	<p>2008-2011 Strategic Goals adopted</p> <p>Program Reviews</p> <p>Application fees increase</p> <p>Online MCLE tracking</p>	<p>Live webcasting</p> <p>Program Reviews</p> <p>Limited Practice Officer rules/on-line tracking</p> <p>mywsba.org revamped</p> <p>\$1.5M gift to Law Fund</p> <p>New Section: Civil Rights Law</p>	<p>New WSBA mission statement; 2010-2013 Strategic Goals adopted; Comprehensive WSBA Bylaw changes</p> <p>Program Reviews</p> <p>Online licensing rolled out</p> <p>Online filing of grievances implemented</p> <p>CLE Conference Center opened</p> <p>Law Fund check off begins</p> <p>Home Foreclosure Program initiated</p> <p>DART introduced</p> <p>Spokane Bar Exam offered through FY2012</p>	<p>Mission Focus Areas adopted</p> <p>Licensing: Hardship exemption added</p> <p>WSBA.org redesigned</p> <p>Moderate Means Program initiated</p> <p>CPLC becomes independent 501(c)(3)</p>	<p>Member Referendum</p> <p>Listening Tours introduced</p> <p>Formation of Governance Task Force</p> <p>Online admissions rolled out</p> <p>Job Target Introduced</p> <p>Initial Membership Demographic Study Completed</p>	<p>2013-2015 Strategic Goals adopted</p> <p>First UBE</p> <p>LLLT Rule adopted by Supreme Court</p> <p>Licensing: Payment Plan introduced/WSBF check-off added</p> <p>Job Target enhanced (Practice Transition Opportunities & Contract Lawyer)</p> <p>Home Foreclosure Project transferred to Northwest Justice Project Diversity Plan adopted</p> <p>CLE model evaluation begins</p> <p>NWSidebar introduced</p> <p>Disaster Recovery Plan revised</p> <p>YLC integration</p> <p>WLI to UW Law School</p> <p>BOG Diversity Committee and Committee for Diversity Merged</p> <p>Equal Justice Community Leadership Academy founded</p>	<p>Quarterly Dashboards introduced</p> <p>Amendments to ELCs and APRs</p> <p>Document Management System launched</p> <p>GR12.4 – public records</p> <p>Legal Lunchbox introduced</p> <p>CLE Portfolio Realignment</p> <p>Migrated to single platform for all recorded products (video, MP3, coursebooks)</p> <p>Call to Duty Program launched</p> <p>First Responders Will Clinic becomes independent 501(c)(3)</p> <p>New Section: Low Bono</p> <p>Disaster Recovery; Recovery Site established; First Table Top Exercise</p> <p>New Professionalism Plan implemented</p>	<p>Board Governance Task Force and Self-Evaluation</p> <p>Amendments to MCLE rules</p> <p>LLLT: first licenses issued and RPCs adopted</p> <p>Implemented WSBA intranet</p> <p>New LOMAP delivery system model and expanded member benefits</p> <p>Implemented MentorLink</p> <p>Phase 2 of membership study; Diversity literature review & intersectionality report</p> <p>Puget Sound Plaza lease renewal and WSBA facilities renovation</p>	<p>2016-2018 Strategic Goals adopted</p> <p>ECCL Policy Decisions</p> <p>Amendments to APRs</p> <p>Amendments to WSBA Bylaws</p> <p>Amendments to Character & Fitness rules</p> <p>Sections policies</p> <p>MCLE system upgrade</p> <p>Website Redesign</p> <p>Webinar capacity launched</p> <p>CLE Faculty Database</p> <p>ATJ / CPD summits</p>	<p>WSBA Bylaw Amendments adopted; LLLTs and LPOs Members of WSBA</p> <p>Coordinated Admission and Licensing Rules adopted; began coordinated system implementation</p> <p>Phase 2 of new MCLE system</p> <p>WSBA.org Redesign</p> <p>Decoding the Law Launched</p> <p>ATJ Board completes 2018-2020 State Plan for Coordinated Delivery of Civil Legal Aid</p> <p>Practice Primers Launched</p> <p>New benefit delivery model and system implemented as LOMAP renamed Practice Management Assistance Program</p>
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¹ Includes Active, Emeritus, Honorary, Inactive and Judicial members.





² Includes section executive committee members; and members of WSBA committees, regulatory boards, Supreme Court boards, panels, and task forces.

2004-2017 ORGANIZATIONAL CONTEXT CHART







- ⁱⁱⁱ Reflects number of participants in WSBA Public Service programs: (1) Home Foreclosure Legal Aid Project (FY2009-FY2013: helped low to moderate income homeowners save their homes from foreclosure; this work was transferred to the Northwest Justice Project in 2013); (2) Moderate Means Program (FY2011-present: helps clients in the 200-400% of Federal Poverty level with family, consumer, and housing problems; and (3) Call to Duty Initiative (FY2016-present: informs and involves volunteer attorneys in meeting the legal needs of veterans and their families).
- ^{iv} An MCLE Form 1 is an application for approval of MCLE credits (filed by sponsors and members). This figure does not include ~2,000 forms per year that are returned or reprocessed because incomplete or incorrect.
- ^v Years 2004-2012 include oral contacts only, not e-mail communications. Year 2013 includes oral contacts and e-mail communications. Starting in calendar year 2015, this figure includes all Spanish language contacts with Consumer Affairs.
- ^{vi} Asterisk indicates prorated payout of authorized awards.
- ^{vii} The Washington Supreme Court suspended this Board from November 2014 through July 2015. The Board was reconstituted and resumed operation in FY16.
- ^{viii} The Court suspended the Board on November 11, 2014 and reconstituted the Board on July 8, 2015. The reconstituted Board reviewed cases that were put on hold during the suspension.
- ^{ix} First figure represents number of Cease & Desist letters issued without referral to prosecutor or ODC; second represents number of letters issued and referred to prosecutor; third represents number of letters issued and referred to ODC. The Court reconstituted the Board on July 8, 2015 and the reconstituted Board only dismisses or refers cases.
- ^x This figure represents referrals only. The Board does not issue cease and desist letters.
- ^{xi} The WSBA mentorship program was introduced in FY15, and ongoing events (Mentorship Mixers) were launched in FY17. The data captures the number of mixers and the number of attendees.
- ^{xii} This figure represents total participation in new member programming, including Open Sections Night, the Young Lawyer Liaison to Sections Program, and the development teams for new member education.
- ^{xiii} Until FY13, WSBA tracked total Service Center contacts; beginning in FY13, data was tracked by type of contact (calls and email). Incomplete data in FY05 and FY09 years marked with *; full year was calculated using average monthly data.
- ^{xiv} In FY17, WSBA began tracking Facebook and Twitter "impressions". This metric reflects the number of times a post is displayed for users to see – whether or not the post is clicked on – and helps us understand how many times people have actually seen WSBA content.
- ^{xv} WSBA moved away from paid one-on-one consultations as part of the plan to expand accessibility of Practice Management Assistance (PMA) services to more members. In addition to greater outreach through webcast programming, WSBA offers free phone consultations for up to 30 minutes.
- ^{xvi} First figure represents number of presentations; second represents attendees at Practice Management Assistance (PMA) presentations *excluding* Legal Lunchbox seminars presented by the PMA team; third represents total attendees at PMA presentations, *including* Legal Lunchbox seminars presented by PMA.
- ^{xvii} WSBA has a dynamic practice assistance network through which members may receive discounts on law practice tools. The data reflects the aggregate number of subscriptions to all of the tools offered in a given year since FY13. Offerings change over time, and include or have included: automated docketing systems; legal forms; ABA retirement funds; daily Washington case reports; writing software; ABA books for Bars; electronic time billing, file sharing, client conflict checking and client billing software; and receptionist services.
- ^{xviii} First figure represents clients provided counseling; second figure represents number of sessions provided.
- ^{xix} First figure represents unduplicated member registrants for in-person attendance; second figure represents total registrants for in-person attendance (including non-members).
- ^{xx} First figure represents unduplicated member registrants for webcast attendance; second figure represents total webcast registrants (including non-members).
- ^{xxi} Includes unduplicated / total attendees at 10 live webcasts for credit and 2 months of on demand seminars. Credits provided through the series are adequate to meet minimum MCLE requirements.
- ^{xxii} Webcast participation increased in FY15 due to two seven-part series (Beverage Law and Advising Startups) offered only via webcast.
- ^{xxiii} Includes Referendum layoffs.
- ^{xxiv} WSBA reserves – net assets – are identified by fund, and are either Board-designated or legally restricted. There are three Board-designated funds: (1) General Fund reserves, funded by WSBA annual operating income, and designated to cover unanticipated losses in the event of an emergency, support future facility needs, and cover net loss and extraordinary costs of WSBA functions, services, and operations; (2) CLE Fund reserves, funded by income from CLE seminars and products, and designated to cover net loss and extraordinary costs of CLE activities; and (3) Sections Fund reserves, consisting of the collective net income or loss of all WSBA sections, and designated to cover net loss and extraordinary costs of section activities. The Client Protection Fund is a legally restricted fund, created by the Washington Supreme Court and WSBA to compensate victims of the dishonest taking of, or failure to account for, client funds or property by a lawyer.

MISSION FOCUS AREAS:




ENSURING COMPETENT AND QUALIFIED LEGAL PROFESSIONALS | PROMOTING THE ROLE OF LEGAL PROFESSIONALS IN SOCIETY

	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Regulation & Licensing								
<ul style="list-style-type: none">Implement coordinated admission and licensing systems for legal professionals	X		X				X	<p>Q1: The Regulatory Services, IT, Admin, and other WSBA departments have been working to establish and implement consistent processes for handling admissions and licensing for lawyers, LLLTs, and LPOs. Among other things, we have moved LLLT and LPO licensing to the same fiscal and reporting years as lawyers, with the same compliance periods; revised licensing forms to reflect requirements and fees for all license types; reviewed and are revising all admissions applications to use consistent formatting and questions and to collect consistent information; drafted suggested amendments for WSBA Bylaws to be consistent with the new APR; reviewed and begun preparing suggestions for consistent licensing fees and assessments, and other non-licensing processes; and implemented a new online Legal Directory that includes all members (lawyers, LLLTs and LPOs).</p> <p>Q2: We have completed the majority of the relicensing process using coordinated systems. The Bylaws coordinating license fees were adopted and RSD staff has begun utilization of same. The first coordinated administration of licensing exams occurred, with UBE and LLLT exam both located at Tacoma site. Coordinated timelines for applications to take exams have been implemented, and timing of character and fitness reviews have been coordinated.</p> <p>Q3: We are updating and revising remaining forms. For the first time, we will administer the summer exams for all <u>three</u> license types during the same week at the same location, and report results during the same time frame. We are continuing to work on incorporating all license types into the online admissions application and the MCLE online reporting and certification application.</p>
<ul style="list-style-type: none">Develop and prepare to implement Online Admissions Program system	X		X				X	<p>Not to be reported until Q3.</p> <p>Q3: The IT and RSD project team has been gathering and writing the requirements for the new system, which is the first step in development.</p>




* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public's access to legal services.

	STRATEGIC GOAL *			REPORTING QUARTER				
	1	2	3	1	2	3	4	
<ul style="list-style-type: none"> Complete initial draft of coordinated discipline system rules, vet with stakeholders, present to BOG, and submit suggested rules to Supreme Court 			X				X	<p>Q1: Throughout 2017 Q4 and 2018 Q1, a WSBA staff workgroup (Office of Disciplinary Counsel, Regulatory Services Department, and Office of General Counsel) has convened for intensive biweekly project meetings (supplemented by subgroup drafting meetings) to develop the rules needed to effectuate the recommended coordinated discipline system model previously reported to the BOG and other stakeholders and approved by the Supreme Court in concept in July 2017.</p> <p>Q2: Rule drafting described in Q1 above continued throughout Q2. Nearly all titles of coordinated system rules are in first or second draft stage in anticipation of distributing comprehensive draft to informal stakeholder review group to be convened in Q3.</p> <p>Q3: Rule drafting described in Q1 and Q2 above continued throughout Q3. All titles of coordinated system rules are in second draft stage. The work group began development of a style sheet to ensure consistency in terminology throughout and across rules sets. It is anticipated that a comprehensive draft will be distributed to informal stakeholder review groups in FY19. From July through September, Paula, Doug, Julie, and Jean will be meeting with Boards (LP, LLLT, C&F, MCLE, and Disciplinary) and other entities (DART, and Hearing Officers) potentially affected by the coordinated system, to provide an update about the process and to receive additional input about the coordinated discipline system vision.</p>
Member Benefits & Professional Development								
<ul style="list-style-type: none"> Apply ROI tools to WSBA member benefits 	X						X	<p>Q1: Not reported in Q1.</p> <p>Q2: During the first half of the current fiscal year, the ROI Team worked with the team responsible for the administration of the free legal research tool we offer to WSBA members (CaseMaker) to develop a logic model and a dashboard to track program outputs and indicators of success. The team has partially completed logic models for the Legal Lunchbox and our Member Wellness programs.</p> <p>Q3: Not reported in Q3.</p>
<ul style="list-style-type: none"> Develop and evaluate new revenue-sharing models of collaboration with WSBA sections on continuing legal education delivery in order to respond to market trends 	X							<p>Q1: During Q1 we developed a proposed revenue-sharing model that contemplates sharing net revenue from live, webcast and on-demand CLE programming, under which WSBA would absorb any loss. We hope this model will lead to greater collaboration with Sections and WSBA-CLE by extending net revenue sharing due to on-demand products and by eliminating financial barriers and risks for Sections. During Q1 we executed communication, engagement and outreach activities about the proposed model to section leaders including: (1) introducing the concept of a different revenue sharing approach at the Fall Sections Leaders meeting; (2) providing individualized financial information including past seminar financial performance information and a forecast for 2018 under the new model; (3) holding 'drop-in' calls for section leaders to learn more about the proposed model and ask questions; (3) engaging in one-on-one discussions with 16 Section Executive Committees; and (4) administering a feedback survey. A Round-Table discussion with section leaders will take place on January 26. Any changes to the financial model will require amendment to Chapter 10 of the WSBA Fiscal Policies. We anticipate submitting a proposal to the BOG Budget and Audit Committee in February for implementation no earlier than FY19.</p>





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	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
								<p>Q2: Not reported in Q2.</p> <p>Q3: Since Q1, we held the January 26 roundtable discussion (attended by 20 section leaders, representing 16 sections), receiving generally favorable feedback on the proposed new revenue sharing model that incorporates all direct and indirect costs while combining (and sharing) net revenue earned from seminars and record seminar products. To date, WSBA has met with 22 sections about the proposed new model, discussed the topic at four meetings, held four drop-in calls, and shared detailed seminar financials with sections. On April 26, the Budget & Audit Committee reviewed and recommended proposed amendments to Chapter 10 of the WSBA Fiscal Policy to the BOG. The proposed revenue model was reviewed with section leaders again at the annual Spring Section Leaders Meeting on April 30. The BOG considered the proposed amendments on first reading at the May 2018 meeting. A final reading/action is expected at the July 2018 BOG meeting. If approved, the new fiscal model will take effect October 1, 2018 (FY19).</p>
Public Service & Diversity/Inclusion								
<ul style="list-style-type: none"> Enhance a culture of service by providing members with a menu of public service and pro bono opportunities with WSBA and with our partners across the state 	X	X	X					<p>Q1: During Q1 we published three blog posts designed to promote a culture of service and connect members with pro bono opportunities. Specifically, the posts addressed (1) Qualified Legal Service Provider (QLSP) volunteerism, in partnership with Chelan-Douglas Counties Volunteer Attorney Service; (2) a Veterans Day blog post to promote WSBA's Call to Duty Initiative and resources for supporting veterans; (3) Emeritus Pro Bono status. During the quarter we also "activated" the 2018 Call to Duty Pledge.</p> <p>Q2: Not reported in Q2.</p> <p>Q3: Since Q1, we have (1) partnered with Kitsap Legal Clinic and Jefferson Legal Clinic to host two days of service; (2) developed a partnership with the Latina/o Bar Association of Washington to support access to legal services in remote areas by funding legal clinics; and (3) supported the Pro Bono Public and Service Committee in reviewing its mission and effectiveness, including how the committee can effectively encourage pro bono work in our community. The result was a new framework of subcommittees in the areas of (a) policies/rules, (b) outreach/promotions, (c) programming/CLE, and (d) data.</p>
<ul style="list-style-type: none"> Institutionalize systems for reviewing policies, practices, procedures, and programs with a race equity lens 		X					X	<p>Q1: Not reported in Q1.</p> <p>Q2: We developed and have been piloting a Race Equity Impact Analysis Tool. We have used the tool to review several policies, practices, procedures and programs including a couple HR policies/practices and some ODC procedures among others.</p> <p>Q3: Not reported in Q3.</p>




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	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
Engagement & Outreach								
<ul style="list-style-type: none">Enhance member awareness and increase engagement in member benefits, bar programs, and services	X	X	X				X	<p>Q1: During Q1, we (1) highlighted the Practice Management Discount Network and Legal Lunchbox in our Winter Ambassador Highlights (a script for all staff and BOG members visiting member events); (2) refined and began to execute campaigns to introduce the Practice Management Network and newly renamed Member Wellness Program (formerly LAP) to members via social media, email newsletters, <i>NWLawyer</i>, and <i>NWSidebar</i>; (3) continued with a strategic benefit/program spotlight in Bar Buzz in <i>NWLawyer</i> (MCLE credits for being a mentor and member counseling); (4) highlighted at least one benefit and all upcoming program offerings in the biweekly TakeNote newsletter; and (5) launched a newly redesigned website specifically designed to help members more easily access programs, benefits, and services.</p> <p>Q2: During Q2, we continued our campaign to highlight member benefits, bar programs, and services—including sending the quarterly Member Wellness Program newsletter to all members, spotlighting WSBAConnects and the Practice Management Discount Network in NWL’s Bar Buzz, and including at least one benefit and multiple events/offering in each biweekly TakeNote eblast. This quarter, we ramped up efforts around the Practice Management Discount Program, with a newly designed rack card to leave behind after outreach visits and a social-media/blog blitz. We also began working on an Innovation in Practice column for NWL and online, to show member benefits and practice-management discounts in action. We also are getting set to launch an ongoing perception survey, which will include a benefit/program/service to conclude each call.</p> <p>Q3: During Q3, we continued to highlight member benefits, bar programs, and services through all of our communication channels. In <i>NWLawyer’s</i> Bar Buzz, we featured the Ethics Line; in TakeNote and on our website, we featured our Legal Lunchboxes, community networking events, WSBA Connects, mentor mixers, legal research tools, Professional Responsibility Program, WSBA representative service opportunities, diversity programs, the WSBA Lending Library, Practice Management Discount Program, and more. On our blog and social media, we highlighted the Ethics Line, MentorLink Mixers, and diversity/inclusion training. We began our phone surveying, which includes a plug for the Practice Management Discount Program, and our quarterly speaking points highlight the Summer Sale in the CLE store. We have plans in the works to design new rack cards to highlight benefits and services, which will be part of our ambassador outreach kits. We also are set to kick off a “behind the scenes” series in <i>NWLawyer</i> that demystifies and explains many of our regulatory functions.</p>





* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public's access to legal services.

	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
<ul style="list-style-type: none"> Enhance collaboration with volunteers through standardized recruitment, training, management, and inclusion 	X	X	X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: In October 2017 the Volunteer Engagement Team distributed a survey to 1,185 volunteers serving in a variety of roles to help inform our efforts to positively shape the WSBA volunteer experience. We received 188 responses, which demonstrated agreement from the volunteers that (1) they were provided with enough information to understand their role (82%), (2) they felt that their talents and skills were a good match for their role (97%), (3) they received adequate support and guidance to be successful in their role (76%), (4) they perceived a climate of teamwork among staff and volunteers (75%), (5) their volunteer role furthered the purpose of the group or program they were involved with (92%), (6) their role furthered the WSBA mission (83%), (7) they were satisfied with their volunteer experience overall (80%), and (8) they perceived that their time and talent were valued by the organization (72%). The majority (78.92%) of respondents also agreed that they would volunteer for WSBA again. Although overall the results were positive, the survey helped us to identify areas for improvement and contained productive comments that will guide the Volunteer Engagement Team's work through the remainder of the year. This data will also serve as a baseline against which we can measure the impact of our volunteer engagement efforts.</p> <p>Q3: Not reported in Q3.</p>
<ul style="list-style-type: none"> Coordinate outreach to all local, minority and specialty bars that ensures ongoing/ meaningful connections with WSBA during the year 		X					X	<p>Q1: During Q1 we (1) surveyed all minority bars for changes to their leadership and upcoming event dates; (2) reached out to all minority bar organizations to schedule outreach meetings and met with QLaw, VABAW, KABAW, WADA, WWL, and the Cardoza Society; (3) attended VABAW and FLOW annual banquets; (4) Coordinated with the Tacoma Pierce County, Thurston, and Whatcom County Bar associations to participate in winter Community Networking Events; (4) collaborated with the Washington Attorneys with Disabilities Association to hold a Beyond the Dialogue event on Disability and Ableism within the legal profession, and to host the Washington Attorneys with Disabilities Annual reception; and (5) participated in Minority Corporate Counsel Association Seattle Roadshow and joined the Seattle working group.</p> <p>Q2: During Q2 we (1) met with SABAW, and LBAW leadership for outreach meeting; (2) contacted all minority bars about creating WSBA MBA informational flyers; (3) attended LBAW, KABAW, and MAMAS banquets; (4) created and shared a spreadsheet of MBA banquet events with MBAs; and (5) coordinated with the Spokane and East King County Bar Associations, and seven MBAs to host Community Networking Events.</p> <p>Q3: During Q3, we (1) continued to use the county-bar listserv to share news and connect with and inform leaders; (2) established a calendar to visit each county-bar leader in the coming quarter; (3) used the diversity stakeholders and Minority Bar association list serves to communicate with Minority Bar Associations; (4) invited MBA leaders to table and attend the Diversity and Inclusion celebrations in Seattle and Spokane; (5) hosted community networking events in partnership with minority and county bar leaders in Spokane and Post Townsend; (6) worked with minority bar associations to spread the word about the Judge Pro Tem CLE scholarships; and (7) attended the Loren Miller Bar Association's annual event.</p>

* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public's access to legal services.

	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
<ul style="list-style-type: none"> Improve connections with the public through focused engagement and communications efforts 			X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: We continued our Decoding the Law series with "Sexual Harassment: How is #MeToo transforming the workplace?" in March with about 60 in-person and online attendees. Several news outlets picked up our media releases honoring Local Heroes in Skagit, Whatcom, and Thurston Counties. We also began laying significant groundwork for two important public-oriented campaigns: Awareness of the LLLT license (including an article in the Seattle Times and a completed creative brief to launch a LLLT video); and the Legal Health Checkup, which is an effort to help people understand when they need legal help and to connect them with appropriate legal resources (this is being led by the Practice of Law Board, and we have prepared a draft one-sheet document that has gone before many stakeholder groups as well as the Washington Supreme Court for feedback).</p> <p>Q3: We continued work with the Practice of Law Board to develop the Legal Health Check Up language, including incorporating feedback received. We are scheduling user groups to obtain feedback on the concept and language, and working to develop a database of legal resources to educate the public about legal remedies for the most common legal issues. These resources, which will be available through a website application, will include self-help information and a connection to the enhanced membership directory.</p>
Organization & Infrastructure								
<ul style="list-style-type: none"> Foster an environment that promotes employee engagement and input 	X	X	X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: All staff meetings were held in January and March to share organizational updates (e.g., licensing, employee assistance program resources, etc.), and celebrate new hires and service anniversaries. The Staff Advisory Forum for Employees meetings continued monthly where the employee group addressed community building efforts and issues of interest to employees (e.g. employee winter party, Random Acts of Pizza discussion topics, recycling, website redesign feedback, office chair cleaning, etc.).</p> <p>Q3: Not reported in Q3.</p>

* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public's access to legal services.

	STRATEGIC GOAL*			REPORTING QUARTER				
	1	2	3	1	2	3	4	
<ul style="list-style-type: none"> Engage management in training and developmental opportunities 	X	X	X				X	<p>Q1: Not reported in Q1.</p> <p>Q2: The Management IQ / Leadership Development Series is intended to heighten managers' organizational and leadership abilities by examining more deeply concepts introduced during initial training, and as identified through industry trends, feedback and ongoing dialogue. Drawing upon resources from both inside and outside the WSBA, this series will present topical information in an informal setting designed to assist managers in enhancing leadership and management skills through dialog, problem solving and sharing as we build our leadership learning community. These sessions are held quarterly with the first meeting in the series for FY18 held in January on the topic of the Growth Mindset. A second meeting in the series is scheduled for April on the topic of Emotional Intelligence in Leadership. Managers also came together in February to discuss how to communicate about sensitive diversity, equity and inclusion issues and learn skills for conflict resolution.</p> <p>Q3: Not reported in Q3.</p>
<ul style="list-style-type: none"> Rollout paperless accounts payable system, enhanced Legal Directory, and membership data management platform upgrade 	X	X	X				X	<p>Q1: Paperless accounts payable system phased rollout and training has begun; as has requirements work related to Enhanced Legal Directory. Once membership data management platform upgrade is rolled out in April; development, testing and implementation of Enhanced Legal Directory can occur.</p> <p>Q2: Paperless accounts payable system rollout and training continues. Significant organization wide testing in preparation for April rollout of membership data management platform. Examining Opt-In Legal Directory platform options.</p> <p>Q3: Membership platform upgrade and paperless accounts payable system rollouts are complete. Developing requirements for Opt-In Legal Directory platform.</p>

* **2016-18 Strategic Goals:** (1) Equip members with skills for the changing profession. (2) Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession. (3) Explore and pursue regulatory innovation, and advocate to enhance the public's access to legal services.

TO: WSBA Board of Governors
FROM: Pam Inglesby, Bar Services Manager
RE: Demographics of WSBA Committee Applicants
DATE: July 12, 2018

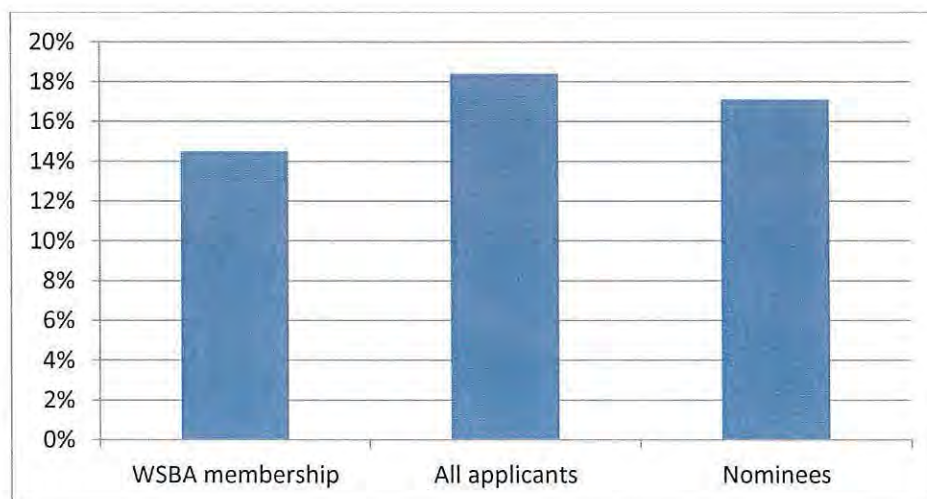
As you are aware, in accordance with the WSBA Diversity and Inclusion Plan (adopted 2013), WSBA has made a special effort to ensure diverse representation on its committees, boards and panels. Attached is a table summarizing the demographics of this year's applicants and those who were nominated for appointment, as compared to the general WSBA membership.

Except for BOG district and number of years as a WSBA member, the data for applicants was supplied voluntarily on the committee application form and the data for the general membership was supplied voluntarily through the licensing process. The percentage of those who did not disclose data, and who are not included in the below calculations, is noted for each category.

Highlights:

- *Racial/ethnic diversity:* The applicants are more racially/ethnically diverse than the WSBA members who have provided demographic information (18.4% from under-represented groups versus 14.5%). This is very close to last year's 18.9%. From this applicant pool, a slightly less diverse group was nominated for appointment (17.1% from under-represented groups, compared to 19.3% last year). (Note: 29.7% of the general membership and 8.6% of the applicant pool did not disclose their race/ethnicity. These individuals are not included in the below percentages.)

Self-reported as member of an under-represented racial/ethnic group

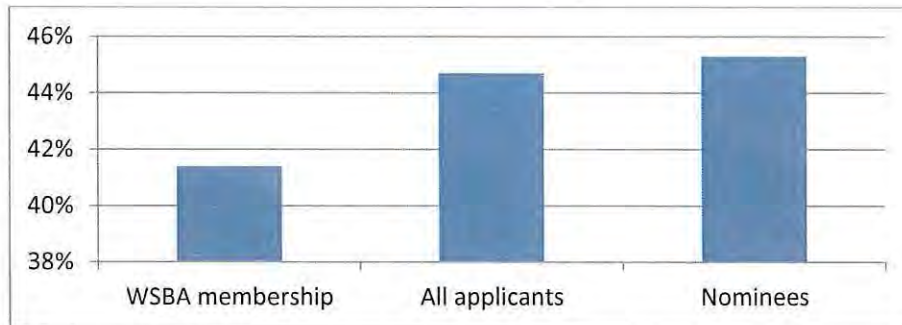


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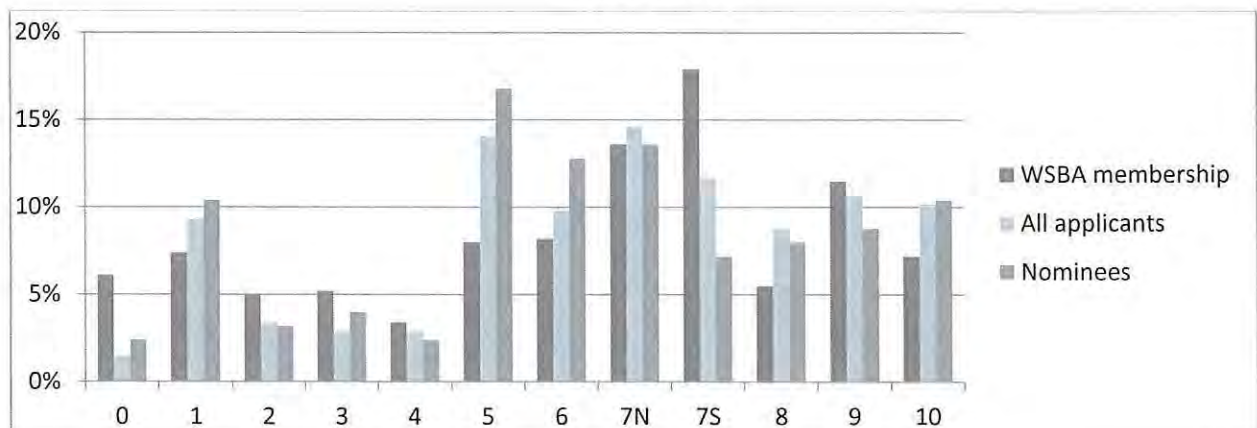
- Gender diversity:** The applicant pool is more female than the general WSBA members who reported this information (44.7% versus 41.4%), and the nominee group is slightly more female (45.3%) – but notably less female than in the last two years (51.7% in FY18 and 50% in FY17). (Notes: 26.3% of the general membership and 5.5% of the applicant pool did not disclose their gender. These individuals are not included in the below percentages. This year no applicants self-identified as gender "not listed," which has been offered as a response option since 2015.)

Self-reported as female

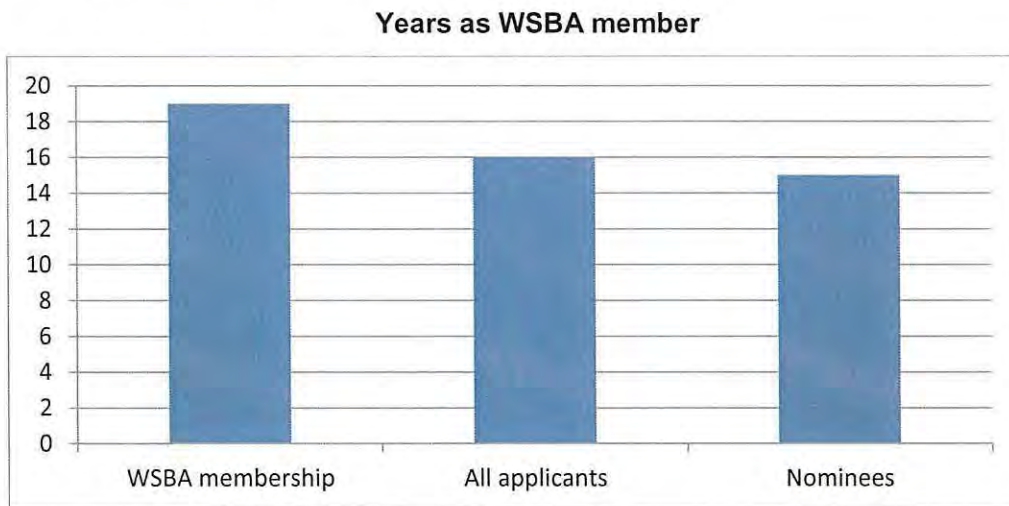


- Sexual orientation:** The percentage of applicants who report LGBT status is 7.4%, down from last year's 12.4% but similar to the prior year's 7.2%, and the percentage nominated is 7.4%, lower than the last two years (15.5% in FY18 and 9% in FY17). The membership as a whole includes 5.5% who identify as LGBT, and 52.5% did not answer the question.
- Persons with disabilities:** The percentage of applicants who report disability status is 4.1%, and the percentage nominated is 5.6%. These numbers are lower than last year's (5.8% and 6.3%) but higher than the prior year's (3.2% and 3.8%). The membership as a whole includes 5.3% who report disability status, and 52.3% did not answer the question.
- Geographic diversity:** District 5 is significantly over-represented in this year's nominee group (16.8% compared to 8.0% of the WSBA membership) while district 7S is dramatically under-represented (7.2% appointed or nominated compared to 17.9% in the membership). This is partly due to a higher than usual number of applicants from district 5 and a lower than usual number from district 7S, as shown in the below graph.

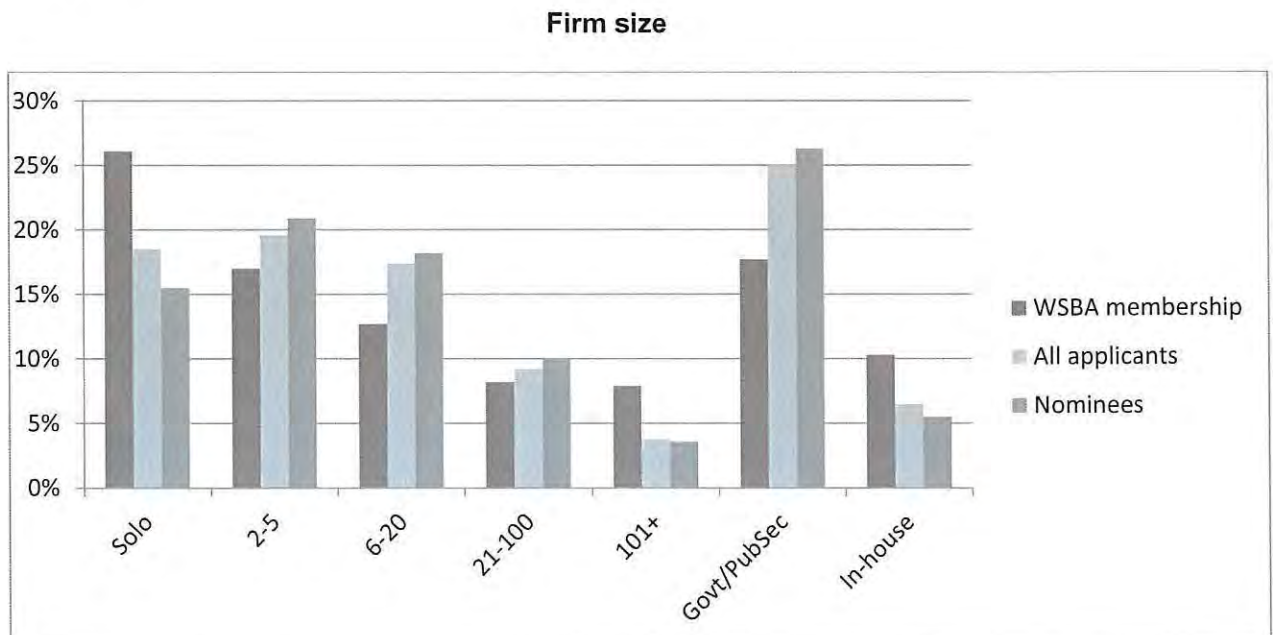
BOG district



- *Years as WSBA member:* Like last year, applicants are newer members of the WSBA than the membership as a whole (16 years versus 19 years). Nominees average 15 years of WSBA membership, up from last year's 12.



- *Firm size:* Applicants and nominees work for firms of all sizes with an over-representation in mid-size firms and government/public sector organizations as compared to the membership as a whole.



Thank you for your efforts to diversify the WSBA's committees, boards and panels.

WSBA 2018-2019 Committee applicants: Summary of voluntary demographic data

Membership data current as of 7-3-18; includes all license types and statuses except where noted. Applicant/nominee data current as of 7-12-18. Percentages include only those who chose to respond, except where noted. Numbers in brackets indicate percentage of the total who chose not to respond.

	WSBA membership (n=39,838)	All applicants (n=220)	Nominees (n=131)
All applicants/nominees, including 16 public applicants and 7 public appointees/nominees:			
Racial/ethnic under-rep. ¹	14.5% [29.7]	18.4% [8.6]	17.1% [9.4]
Female/Not listed	41.4% [26.3]	44.7% [5.5]	45.3% [2.3]
LGBT = yes	5.5% [52.5]	6.5% [9.0]	7.4% [8.4]
Disability = yes	5.3% [52.3]	4.1% [9.0]	5.6% [5.3]
WSBA member applicants/nominees only:			
BOG District			
0 ²	6.1%	1.5%	2.4%
1	7.4%	9.3%	10.4%
2	5.0%	3.4%	3.2%
3	5.2%	2.9%	4.0%
4	3.4%	2.9%	2.4%
5	8.0%	14.1%	16.8%
6	8.2%	9.8%	12.8%
7N	13.6%	14.6%	13.6%
7S	17.9%	11.7%	7.2%
8	5.5%	8.8%	8.0%
9	11.5%	10.7%	8.8%
10	7.2%	10.2%	10.4%
Years WSBA member (avg.)	19	16	15
Years of practice	NA	19	19
Firm size	[25.9]	[9.8]	[11.3]
Solo	26.1%	18.5%	15.5%
2-5	17.0%	19.6%	20.9%
6-20	12.7%	17.4%	18.2%
21-100	8.2%	9.2%	10.0%
101+	7.9%	3.8%	3.6%
Government/Public Sector	17.7%	25.0%	26.3%
In-house counsel	10.3%	6.5%	5.5%

¹ Includes members who self-identify with a racial/ethnic under-represented group.

² District 0 indicates residence is out-of-state or unknown.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: The President, President-elect, and Governors

From: J. Donald Curran, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison

Date: July 11, 2018

Re: New Advisory Opinion

INFORMATION ONLY: At its July 2, 2018 meeting, the Committee on Professional Ethics issued new Advisory Opinion 201802 regarding the ethics of a lawyer communicating about his/her client's matter to a third or fourth party, generally in the context of an employer or insurance defense litigation cases. The question and resulting advisory opinion originated from a member inquiry received by the CPE. The opinion is provided for the information of the Board and will be published online following the Governor's July 2018 meeting.

WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: 201802

Date: July 2, 2018

Quadripartite and Tripartite Relationships: May Lawyer Provide Client Confidential Information to Third or Fourth Party?

Executive summary: Lawyers are often retained by third parties, like insurers or employers, to defend an assured or an employee, respectively. In the course of doing so, the retained lawyer must often communicate both with the client and with the insurer or employer in order to effectively manage the defense and enable the insurer or employer to evaluate and resolve the claim.

A vast body of case law has developed regarding this tripartite relationship. The nature of the tripartite relationship differs from jurisdiction to jurisdiction. But generally, communications made within the tripartite relationship are afforded the same or similar protections as lawyer-client privileged communications or work product.

Sophisticated insurers or employers sometimes consult with or engage others to manage the claim or otherwise participate in the tripartite relationship, thereby adding a fourth stakeholder. Although case law involving this quadripartite relationship is not as well developed, the traditional application of the Rules of Professional Conduct inform the relationship similarly.

Before communicating to a fourth party, the lawyer will need to take certain steps in order to avoid disclosing information in violation of the lawyer's duty of confidentiality to the client. This opinion addresses the so-called quadripartite relationship across four different scenarios.

Facts:

Scenario 1:

Driver causes an automobile accident and is sued.

Driver notifies Broker of the claim. Broker tenders the claim to Insurer, who engages Third-Party Administrator to manage the litigation.

Third-Party Administrator hires Lawyer to defend Driver in the lawsuit. Third-Party Administrator asks Lawyer for an initial case evaluation and status reports every 30 days.

Scenario 2:

Supervisor is employed by Company. Supervisor is sued for harassment and discrimination.

Supervisor notifies HR Manager of the lawsuit, and HR Manager reports the claim to Insurer. Insurer appoints Lawyer to defend Supervisor in the lawsuit.

HR Manager asks Lawyer to copy HR Manager and Insurer on all future communications about the case, including status reports and case assessments.

Scenario 3:

Associate is employed by Law Firm. Associate is accused of legal malpractice, and suit is filed against Associate and Law Firm.

Associate informs Partner, who notifies Broker of the claim. Broker tenders the claim to Insurer under Law Firm's professional liability insurance policy. Insurer assigns Lawyer to defend the claim.

Broker asks Lawyer to copy Broker, Partner, and Insurer on Lawyer's all correspondence and status reports.

Scenario 4:

Physician is employed by Hospital. Hospital purchases from Insurer professional liability insurance coverage for Physician as a term of employment.

Physician is sued for medical malpractice. Physician tenders the claim to Insurer, who hires Lawyer to defend Physician in the lawsuit.

In the course of defending Physician, Lawyer drafts a written case assessment, which is addressed to Physician and Insurer. Insurer does not issue a reservation of rights.

Hospital's Risk Manager calls Lawyer and asks (1) for a copy of the written case assessment, (2) to receive copies of all future status reports in the case, and (3) to provide strategic litigation input to the extent that Hospital is a potential co-defendant to the lawsuit. On the particular facts of the lawsuit, there is no indication that the interests of Hospital and Physician are directly adverse.

Questions:

May Lawyer provide the requested information to Third-Party Administrator (Scenario 1), HR Manager and Insurer (Scenario 2), Broker, Partner, and Insurer (Scenario 3), and Risk Manager (Scenario 4)?

Conclusion:

No, unless Lawyer's client in each matter provides informed consent to the disclosures.¹

Discussion:

Traditionally, a lawyer who is retained by an insurer to represent and defend an insured against claims acts within what is commonly referred to as a tripartite relationship. This relationship differs, depending on the jurisdiction. The tripartite relationship governs or describes how the lawyer, client, and insurer communicate and contribute to the defense.

Often, however, another party can become involved in some aspect of the defense. A third-party administrator, for example, might be hired by the insurer to manage administrative and financial aspects of the claim, paying invoices for legal fees and costs, providing the insurer with consolidated or abridged status reports, or establishing a reserve for the defense and indemnity of the claim. Scenario 1 above sets forth this example. Other examples of a fourth stakeholder or participant include the HR Manager in Scenario 2, the Broker in Scenario 3, and the Hospital Risk Manager in Scenario 4.

Although the tripartite relationship is relatively well defined in many jurisdictions, the addition of a fourth stakeholder or participant is not well defined. Nevertheless, traditional application of the Rules of Professional Conduct inform this so-called quadripartite relationship similarly to that of the tripartite relationship.

Under RPC 1.6(a), a lawyer "shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b)." The term, "informed consent" refers to "the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct." RPC 1.0A(e).

When obtaining informed consent, "[t]he lawyer must make reasonable efforts to ensure that the client or other person possesses information reasonably adequate to make an informed decision." RPC 1.0A cmt. 6. This generally requires the lawyer to disclose "the facts and circumstances giving rise to the situation, any explanation reasonably necessary to inform the client or other person of the material advantages and disadvantages of the proposed course of conduct and a discussion of the client's or other person's options and alternatives." *Id.* "Obtaining informed consent will usually require an affirmative response by the client or other person." RPC 1.0A cmt. 7.

"[A] lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by RPC 1.4, shall consult with the client as to the means by which they are to be pursued." RPC 1.2(a). A lawyer must not "permit a person who recommends, employs, or pays

¹ The question of whether information can be disclosed to an outside auditor's service was addressed in earlier advisory opinions. See Wash. Adv. Op. 195 (1999); see also Wash. Adv. Op. 1758 (1997).

the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services." RPC 5.4(c).

Therefore, in each of the four scenarios, Lawyer can seek informed consent from the client to disclose confidential information as requested, provided that in doing so, Lawyer's professional judgment is not directed or regulated by the non-clients.

However, in providing diligent representation to each client, Lawyer should become or remain familiar with law that is applicable to the matter. For example, in obtaining informed consent from a client to make the requested disclosure, Lawyer should analyze the extent to which such disclosures might adversely affect the lawyer-client privilege, work product protections, and other applicable privileges or privacy protections. Such questions are matters of substantive law, which are beyond the scope of this Committee's review.

Similarly, whether a lawyer-client relationship exists between Lawyer and Third-Party Administrator, HR Manager, Insurer, Broker, Partner, and Risk Manager in these various contexts is also a matter of substantive law that turns on the specific facts of the case. *See, e.g., Bohn v. Cody*, 119 Wn.2d 357, 363, (noting that "[t]he existence of lawyer-client relationship 'turns largely on the client's subjective belief that it exists'" (quoting *In re McGlothlen*, 99 Wn.2d 515, 522, 663 P.2d 1330 (1983))); *but also see, e.g., Tank v. State Farm Fire & Cas. Co.*, 105 Wn.2d 381, 388, 715 P.2d 1133 (1986) (stating that "[i]n a reservation of rights defense, RPC 5.4(c) demands that counsel understand that he or she represents only the insured, not the company"), *Clark Co. Fire Dist. No. 5 v. Bullivant Houser Bailey, P.C.*, 180 Wn. App. 689, 699–700, (holding that insurer lacked standing to sue lawyer hired by insurer to defend the assured).

If circumstances were to change such that it later became necessary to reevaluate the parties' interests or to reaffirm or obtain new informed consent from Lawyer's client (*e.g.*, Insurer later issues a reservation of rights or direct adversity arises between Lawyer's client and Third-Party Administrator, HR Manager, Insurer, Broker, Partner, or Risk Manager in these various contexts), then Lawyer must do so. If the circumstances become such that it is no longer in a client's interest to continue to agree that information should be disclosed as requested, then Lawyer must confer with the client about the risks and benefits, and discontinue disclosure if the client so directs.

SUMMARY OF RESOLUTIONS

AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES 2018 ANNUAL MEETING CHICAGO, ILLINOIS

REPORT # SUBJECT

- 10A **NEW YORK STATE BAR ASSOCIATION
NEW YORK COUNTY LAWYERS ASSOCIATION**
Urges states to adopt General Provisions for Regulation of Online Providers of Legal Documents to establish reasonable standards of product reliability and efficacy.
- 11-1 **CONSTITUTIONAL AMENDMENT**
Amends §1.2 of the Association's Constitution to include the following language as one of the purposes of the Association: "to defend the right to life of all innocent human beings, including all those conceived but not yet born."
- 11-2 **CONSTITUTIONAL AMENDMENT**
Amends §6.2(a)(1) of the Association's Constitution to provide the U.S. Virgin Islands with a State Delegate, who pursuant to the existing language of §9.2, would automatically serve as a member of the Nominating Committee.
- 11-3 **CONSTITUTIONAL AMENDMENT**
Amends §6.7(e) of the Association's Constitution to increase the number of Senior Lawyers Division delegates to the House of Delegates from two to four.
- 11-4 **CONSTITUTIONAL AMENDMENT**
Amends §7.3 of the Association's Constitution to reconcile the eligibility requirements for a young lawyer member-at-large on the ABA Board of Governors with the definition of young lawyer in the ABA Young Lawyers Division Bylaws.
- 11-5 **BYLAWS AMENDMENT**
Amends §29.6 of the Association's Bylaws to clearly state that the Association's financial statements are audited and not the Treasurer's report, and that the Association's annual financial statements shall be submitted for examination and audit by a certified public accountant designated by the Board of Governors upon recommendation of the Audit Committee.
- 11-6 **BYLAWS AMENDMENT**
Amends §31.7 of the Association's Bylaws to more completely and accurately reflect the Standing Committee on Audit's duties as they have been assigned by the Board of Governors.

- 11-7 **BYLAWS AMENDMENT**
Amends §31.7 of the Association's Bylaws to change the name of the Standing Committee on Client Protection to the Standing Committee on Public Protection in the Provision of Legal Services and to amend its jurisdictional statement.
- 11-8 **BYLAWS AMENDMENT**
Amends §31.7 of the Association's Bylaws to discontinue the Standing Committee on Medical Professional Liability at the conclusion of the 2018 Annual Meeting and that its work be subsumed by the Tort Trial and Insurance Practice Section.
- 11-9 **BYLAWS AMENDMENT**
Amends §31.7 of the Association's Bylaws to change the name of the Standing Committee on Professional Discipline to the Standing Committee on Professional Regulation and to revise its jurisdictional statement.
- 11-10 **BYLAWS AMENDMENT**
Amends §31.7 of the Association's Bylaws to revise the jurisdictional statement of the Standing Committee on Professionalism.
- 11-11 **BYLAWS AMENDMENT**
Amends §31.7 of the Association's Bylaws to revise the jurisdictional statement of the Standing Committee on Technology and Information Systems.
- 11-12 **CONSTITUTION AND BYLAWS AMENDMENTS**
Amends various Sections of the Association's Constitution and Bylaws that may be necessary if the New Membership Model is adopted by the Board of Governors and the House of Delegates.
- 100A **CRIMINAL JUSTICE SECTION**
Urges bar associations, law schools, and other stakeholders to develop and increase curricular offerings through which law students provide pro bono representation of incarcerated individuals and those reentering society.
- 100B **CRIMINAL JUSTICE SECTION**
OREGON STATE BAR
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
ANGELA A. ALLEN-BELL
DAVID F. BIENVENU
FRANK NEUNER
JUDY PERRY MARTINEZ
Urges Louisiana and Oregon to require unanimous juries to determine guilt in felony criminal cases and reject the use of non-unanimous juries where currently allowed in felony cases.

- 101 **STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY**
Amends Model Rules 7.1 through 7.5 and related Comments of the *ABA Model Rules of Professional Conduct* regarding lawyer advertising rules.
- 102A **SECTION OF FAMILY LAW**
Urges Congress to enact former Sections 215 and 682 of the Internal Revenue Code that before their repeal in the Tax Cuts and Job Act of 2017 allowed payors to deduct and required payees to treat alimony as taxable income to payees.
- 102B **SECTION OF FAMILY LAW**
SECTION OF SCIENCE AND TECHNOLOGY LAW
Adopts the *ABA Model Act Governing Assisted Reproductive Technology*, dated August 2018 to replace the 2008 Model Act, and urges its adoption by appropriate governmental agencies.
- 103 **ABA WORKING GROUP TO ADVANCE WELL-BEING IN THE LEGAL PROFESSION**
COMMISSION ON LAWYER ASSISTANCE PROGRAMS
Adopts the *ABA Model Impairment Policy for Legal Employers*, dated August 2018, to provide a mechanism within law firms to identify impairment and craft proper intervention, and to prevent professional standards and the quality of work for clients from being compromised by any legal employer personnel's impairment, and urges legal employers to adopt the Model Policy.
- 104A **SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**
Urges Congress to enact legislation that implements the "Law Enforcement Equipment Working Group Recommendations Pursuant to Executive Order 13688" dated May 2015.
- 104B **SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Urges governments to adopt and enforce stronger fair lending laws targeted against discrimination in vehicle sales market and urges Congress to amend the Equal Credit Opportunity Act to collect data on race and national origin for auto-lending transactions.
- 104C **SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
Supports an interpretation of Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116(a), that its prohibition on sex discrimination by covered health programs or activities includes discrimination on the basis of sexual orientation and gender identity.

- 104D **SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Urges governments to enact legislation providing employees with job-guaranteed paid sick days and job-guaranteed paid family and medical leave.
- 104E **SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE**
YOUNG LAWYERS DIVISION
Urges governments and international institutions to adopt and implement legislation and regulations to eliminate, prevent and provide remedies for gender-based violence in the workplace, including sexual harassment, based on virtue of their actual or perceived sex (including pregnancy), family responsibilities, sexual orientation, gender identity, gender expression, the intersectionality between race and sex or status as a victim of domestic or sexual violence.
- 105 **SECTION OF DISPUTE RESOLUTION**
Urges providers of domestic and international dispute resolution to expand their rosters with minorities, women, persons with disabilities, and persons of differing sexual orientations and gender identities (“diverse neutrals”), and to encourage the selection of diverse neutrals.
- 106A **SECTION OF INTERNATIONAL LAW**
CENTER FOR HUMAN RIGHTS
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
JUDICIAL DIVISION
Reaffirms the ABA’s commitment to advance the rule of law and condemns the harassment, arbitrary arrest and detention, arbitrary disbarment, denial of due process, other ill-treatment, and killings of judges, lawyers, other members of the legal profession, and their extended families throughout the world for serving in their designated capacities.
- 106B **SECTION OF INTERNATIONAL LAW**
CENTER FOR HUMAN RIGHTS
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
JUDICIAL DIVISION
Recognizes the important role that non-lawyer human rights defenders, journalists and others play in protecting justice and the rule of law, and deplors attacks on those professions, as well as on individuals, aimed at silencing or intimidating human rights voices.

- 107A **YOUNG LAWYERS DIVISION**
CRIMINAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
STANDING COMMITTEE ON DISASTER RESPONSE AND
PREPAREDNESS
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
Urges all emergency management agencies to provide proper training to staff and volunteers to respond to unique needs of intimate partner violence and sexual violence victims during and after a disaster.
- 107B **YOUNG LAWYERS DIVISION**
Urges Congress to enact the Presidential Tax Transparency Act (H.R. 305) and the President-Elect Release of Tax Return Act (H.R. 1938), and supports efforts to incentivize certain candidates for the Office of President of the United States to disclose their recent federal income tax returns to the extent any such laws are permitted by the United States Constitution.
- 108A **STANDING COMMITTEE ON SPECIALIZATION**
Grants reaccreditation to the Legal Professional Liability and Medical Professional Liability programs of the American Board of Professional Liability Attorneys for additional five-year terms as designated specialty certification programs for lawyers.
- 108B **STANDING COMMITTEE ON SPECIALIZATION**
Grants accreditation to the Truck Accident Law program of the National Board of Truck Accident Attorneys, a division of The National Board of Trial Advocacy for a five-year term as a designated specialty certification program for lawyers.
- 109 **STANDING COMMITTEE ON GUN VIOLENCE**
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
Urges governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules or regulations that allow individuals to: 1) voluntarily and confidentially submit their names into databases used for gun background checks, and 2) remove themselves from those systems.
- 110A **STANDING COMMITTEE ON PARALEGALS**
Grants approval to four programs, grants reapproval to eighteen paralegal education programs, withdraws the approval of three programs at the requests of the institutions, and extends the term of approval to twenty paralegal education programs.

- 110B **STANDING COMMITTEE ON PARALEGALS**
Amends the *ABA Guidelines for Approval of Paralegal Education Programs*, dated August 2018.
- 111A **SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**
Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to the Rules of the *ABA Standards and Rules of Procedure for Approval of Law Schools*, to restructure the work of the ABA accreditation process by eliminating the Council's Accreditation and Standards Review Committees, and having all work completed by the Council.
- 111B **SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**
Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to the Standards of the *ABA Standards and Rules of Procedure for Approval of Law Schools*, to restructure the work of the ABA accreditation process by eliminating the Council's Accreditation and Standards Review Committees, and having all work completed by the Council.
- 111C **SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**
Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to Rules 3, 5, 10, 14, 22, 23, 24, 25, 34, 52, and 53 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.
- 111D **SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**
Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to Standards 501 (Admission) and 503 (Admission Test) of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.
- 111E **SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**
Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018, to Standard 303 (Curriculum); Standard 304 (Simulation Courses, Clinics, and Field Placements); Standard 305 (Other Academic Study); Standard 306 (Distance Education); Standard 307 (Studies, Activities, and Field Placements Outside the United States); and Standard 601 (Library and Information Resources, General Provisions) of the *ABA Standards and Rules of Procedure for Approval of Law Schools*).

- 112 **COMMISSION ON LAW AND AGING
SECTION OF INTERNATIONAL LAW**
Supports in principle the Inter-American Convention on Protecting the Human Rights of Older Persons, and encourages the United Nations to draft a convention on the rights of older persons.
- 113 **NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY
JUDICIAL DIVISION
SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE
GOVERNMENT PUBLIC SECTOR LAWYERS DIVISION
COLORADO BAR ASSOCIATION
DENVER BAR ASSOCIATION**
Adopts the *ABA Model Code of Judicial Conduct for State Administrative Law Judges*, dated August 2018, and urges governments to enact and adopt the Model Code.
- 114 **WORKING GROUP ON BUILDING PUBLIC TRUST IN THE AMERICAN
JUSTICE SYSTEM
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
CRIMINAL JUSTICE SECTION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
COMMISSION ON YOUTH AT RISK
MASSACHUSETTS BAR ASSOCIATION
KING COUNTY BAR ASSOCIATION
WASHINGTON STATE BAR ASSOCIATION**
Adopts the black letter and commentary to the *ABA Ten Guidelines on Court Fines and Fees*, dated August 2018, and urges governmental agencies to promulgate law and policy consistent with the Guidelines.
- 115 **STANDING COMMITTEE ON GROUP AND PREPAID LEGAL SERVICES
SOLO, SMALL FIRM AND GENERAL PRACTICE DIVISION**
Adopts the *American Bar Association Standards for Accreditation of Legal Plans* dated August 2018, to ensure that Legal Plans are providing affordable access to legal services.
- 116A **COMMISSION ON DISABILITY RIGHTS**
Amends the Air Carrier Access Act ("ACAA"), 49 U.S.C. § 41705 (1986), to establish a private right of action violations of the ACAA and to provide equitable and legal relief, including compensatory and punitive damages, as well as reasonable attorneys' fees, reasonable expert fees, and the costs to plaintiffs who prevail in civil actions.

- 116B **COMMISSION ON DISABILITY RIGHTS**
Urges governments to: 1) enact laws and adopt policies that prohibit the use of out-of-school suspension and expulsion of pre-kindergarten through second grade students; 2) require ongoing training of teachers, administrators, and other school staff on alternatives to school exclusion; and, 3) provide sufficient funding and resources to ensure the provision of alternatives to school exclusion.
- 116C **COMMISSION ON DISABILITY RIGHTS**
Urges all courts and other appropriate government entities to interpret Titles II and III of the Americans with Disabilities Act to apply to technology, and goods and services delivered thereby, regardless of whether the technology exists solely in virtual space or has a nexus to a physical space.
- 117 **SECTION OF INTELLECTUAL PROPERTY LAW**
STANDING COMMITTEE ON LAW LIBRARY OF CONGRESS
Urges Congress to approve appropriations to the Library of Congress necessary to enable the United States Copyright Office to adequately staff, maintain, modernize, and enhance its services, facilities, databases, studies, and digital projects.
- 118 **COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY**
TORT TRIAL AND INSURANCE PRACTICE SECTION
Urges the federal government to recognize that service by persons who otherwise meet the standards for accession or retention, as applicable, in the United States Armed Forces should not be restricted, and transgender persons should not be discriminated against, based solely on gender identity.
- 119 **COMMISSION ON IMMIGRATION**
Adopts the 2018 *ABA Standards for the Custody, Placement and Care; Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States*, to replace the 2004 Standards.
- 177 **STANDING COMMITTEE ON MEMBERSHIP**
Amends the dues structure for the American Bar Association effective with FY2020 and each year thereafter.
- 400A **RESOLUTION WITH REPORT ON ARCHIVING**
Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.
- 400B **RESOLUTION WITH REPORT ON ARCHIVING**
Recommends that certain Association policies that pertain to public issues that were adopted in 1998 which were previously considered for archiving but retained be archived.

WASHINGTON STATE BAR ASSOCIATION

TO: Board of Governors

FROM: Joy Williams, WSBA Diversity and Public Service Programs Manager
Robin Nussbaum, WSBA Inclusion & Equity Specialist

RE: Diversity and Inclusion Events

DATE: July 13, 2018

WSBA Diversity and Inclusion Events

Education, Collaboration, and Partnership

Working closely with staff, volunteers and community partners throughout the legal community is foundational to the successful implementation of the diversity plan. WSBA participates in and provides a variety of opportunities to increase cross-cultural competency, awareness and engagement. Your participation communicates WSBA's commitment to representation and involvement in advancing inclusion.

Diversity & Inclusion Events for WSBA Staff and Volunteers			
When	What	How You Can Help	Who To Contact for More Info
Monday, August 6	Presentation Client Protection Fund Board	FYI only	Robin N.
Thursday, August 9	Presentation Judicial Review Committee	FYI only	Robin N.
Monday, August 20	Continuing the Conversation for Staff Gender and allowed emotional displays	FYI only	Robin N.
Thursday, August 23	WSBA Staff Accessibility Team Meeting	FYI only	Robin N.
Late Aug/Early September	WSBA Staff Accessibility and Accommodations Training	FYI only	Robin N.
Late Aug/Early September	WSBA Staff Liaison Bias Training	FYI only	Robin N.



Washington State Minority Bar Association and other Diversity Events			
When	What	How You Can Help	Who To Contact for More Info
Thursday July 26	Understanding, Identifying and Responding to the Impact of Microaggressions – AGO Seattle	FYI Only	Joy Williams
Friday July 27	Implicit Bias and Microaggressions – Family Law CASA – Seattle	FYI Only	Joy Williams
Monday August 20	Implicit Bias and Microaggressions – Witherspoon Kelly (Spokane)	FYI Only	Joy Williams
Thursday September 6	Understanding, Identifying and Responding to the Impact of Microaggressions – AGO Tacoma	FYI Only	Joy Williams
Wednesday September 19	Understanding, Identifying and Responding to the Impact of Microaggressions – AGO Tumwater	FYI Only	Joy Williams
September TBD	Understanding, Identifying and Responding to the Impact of Microaggressions – Stoel Rives	FYI Only	Joy Williams
TBD	Understanding, Identifying and Responding to the Impact of Microaggressions - Van Ness Feldman LLP	FYI Only	Joy Williams
Thursday September 20	Community Networking Event – Walla Walla	Attend if in the area	Joy or Dana
Tuesday September 25	Legal Lunchbox Diversity themed CLE: Accommodation Technology	View Webcast	Joy or Dana

Contact Information

Joy: joyw@wsba.org or 206.733.5952

Dana: danab@wsba.org or 206.733.5945

Robin: robin@wsba.org or 206.727.8322

Margaret: margarets@wsba.org or 206.727.8244

Frances: francesd@wsba.org or 206.727.8222

Terra: terran@wsba.org or 206.727.8282



WSBA Financial Reports

(Unaudited)

Year to Date April 30, 2018

Prepared by Tiffany Lynch, Associate Director for Finance

Submitted by

Ann Holmes, Chief Operations Officer

May 31, 2018

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associate Director for Finance

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through April 30, 2018

Date: June 1, 2018

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	58.33%	59.59%	\$141,114 (Over budget)	58.47%	Expected to be on or slightly over budget
Benefits	58.33%	57.53%	\$32,269 (Under budget)	56.72%	Expected to be on or slightly under budget
Other Indirect Expenses	58.33%	54.38%	\$135,355 (Under budget)	53.43%	Expected to be on or slightly under budget
Total Indirect Expenses	58.33%	58.19%	\$26,510 (Under budget)	57.16%	Expected to be on budget

General Fund Revenues	58.33%	62.63%	\$813,201 (Over budget)	64.69%	Expected to be over budget
General Fund Direct Expenses	58.33%	44.40%	\$346,771 (Under budget)	46.82%	Expected to be on or slightly under budget

CLE Revenue	58.33%	53.48%	\$98,561 (Under budget)	45.18%	Expected to be on or slightly under budget
CLE Direct Expenses	58.33%	38.21%	\$135,266 (Under budget)	33.25%	Expected to be on or slightly under budget
CLE Indirect Expenses	58.33%	58.89%	\$7,644 (Over budget)	56.76%	Expected to be on budget

¹ Dollar difference is calculated based on pro-rated budget (amended by the BOG on March 8, 2018) figures (total annual budget figures divided by 12 months) minus actual revenue and expense amounts as of April 30, 2018 (7 months into the fiscal year).

Washington State Bar Association Financial Summary
Year to Date as of April 30, 2018 58.33% of Year
Compared to Fiscal Year 2018 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	-	-	150,901	259,434	17,810	51,600	168,711	311,034	(168,711)	(311,034)
Administration	62,737	55,000	637,630	1,081,774	(719)	3,045	636,910	1,084,819	(574,173)	(1,029,819)
Admissions/Bar Exam	1,033,630	1,327,400	457,705	788,834	149,954	392,117	607,659	1,180,951	425,971	146,449
Board of Governors	-	-	326,269	522,727	107,549	280,080	433,818	802,807	(433,818)	(802,807)
Communications Strategies	1,210	44,750	315,044	533,961	27,544	103,440	342,589	637,401	(341,379)	(592,651)
Conference & Broadcast Services	-	-	433,852	736,233	2,789	4,700	436,641	740,933	(436,641)	(740,933)
Discipline	69,623	130,300	3,181,059	5,474,703	111,024	256,826	3,292,083	5,731,529	(3,222,460)	(5,601,229)
Diversity	99,905	100,374	239,054	420,525	9,542	25,250	248,596	445,775	(148,692)	(345,401)
Foundation	-	-	87,815	151,053	4,062	17,600	91,877	168,653	(91,877)	(168,653)
Human Resources	-	-	223,718	271,830	-	-	223,718	271,830	(223,718)	(271,830)
Law Clerk Program	117,600	112,000	63,936	111,678	3,388	4,350	67,323	116,028	50,277	(4,028)
Legislative	-	-	51,327	126,743	5,119	24,700	56,446	151,443	(56,446)	(151,443)
Licensing and Membership Records	219,876	284,700	388,235	660,794	35,812	45,996	424,047	706,790	(204,171)	(422,090)
Licensing Fees	8,859,898	15,068,125	-	-	-	-	-	-	8,859,898	15,068,125
Limited License Legal Technician	-	-	135,847	234,401	12,213	25,600	148,061	260,001	(148,061)	(260,001)
Limited Practice Officers	-	-	90,779	159,464	1,807	3,000	92,586	156,182	(92,586)	(162,464)
Mandatory CLE	588,553	761,000	329,387	540,324	139,833	238,444	469,220	778,768	119,333	(17,768)
Member Assistance Program	6,975	10,000	74,976	132,743	1,002	1,500	75,978	134,243	(68,003)	(124,243)
Member Benefits	9,694	-	25,029	42,808	68,206	123,760	93,235	166,566	(63,541)	(166,566)
Mentorship Program	-	-	58,169	106,393	5,453	11,225	63,622	117,618	(63,622)	(117,618)
New Member Program	110,394	53,200	145,783	262,549	11,907	35,780	157,689	298,329	(47,296)	(245,129)
NW Lawyer	243,398	538,350	99,447	225,207	198,572	434,500	298,019	659,707	(54,621)	(121,357)
Office of General Counsel	247	-	446,468	811,295	3,948	13,296	450,417	824,591	(450,170)	(824,591)
OGC-Disciplinary Board	-	-	110,485	203,346	53,839	103,500	164,325	306,846	(164,325)	(306,846)
Outreach and Engagement	-	-	192,778	364,777	5,018	22,750	197,796	387,527	(197,796)	(387,527)
Practice Management Assistance	18,652	15,000.00	120,372	208,292	923	5,850	121,295	214,142	(102,642)	(199,142)
Practice of Law Board	-	-	60,536	103,433	9,300	15,200	69,836	118,633	(69,836)	(118,633)
Professional Responsibility Program	-	-	153,444	278,623	5,271	6,300	158,715	284,923	(158,715)	(284,923)
Public Service Programs	105,797	105,000	128,559	227,477	103,324	224,615	231,883	452,092	(126,086)	(347,092)
Publication and Design Services	-	-	91,251	158,281	4,100	4,100	95,351	162,381	(95,351)	(162,381)
Sections Administration	297,713	308,000	255,420	464,958	6,688	10,100	262,108	475,058	35,605	(167,058)
Technology	-	-	897,665	1,491,590	-	-	897,665	1,491,590	(897,665)	(1,491,590)
Subtotal General Fund	11,845,900	18,913,199	9,972,943	17,156,250	1,105,276	2,489,224	11,078,219	19,645,474	767,681	(732,275)
Expenses using reserve funds	-	-	-	-	-	-	11,078,219	-	-	-
Total General Fund - Net Result from Operations									767,681	(732,275)
Percentage of Budget	62.63%		58.13%		44.40%		56.39%			
CLE-Seminars and Products	1,018,342	1,862,235	665,159	1,128,154	234,085	577,582	809,244	1,705,736	119,087	156,499
CLE - Deskbooks	68,567	170,000	144,257	246,313	22,811	94,695	167,068	341,008	(98,501)	(171,008)
Total CLE	1,086,909	2,032,235	809,416	1,374,467	256,896	672,277	1,066,312	2,046,744	20,587	(14,509)
Percentage of Budget	53.48%		58.89%		38.21%		52.10%			
Total All Sections	507,781	613,210	-	-	454,324	903,363	454,324	903,363	53,457	(290,152)
Client Protection Fund-Restricted	1,013,723	992,500	96,274	163,813	54,300	403,000	150,573	566,813	863,150	425,687
Management of Western States Bar Conference (No WSBA Funds)	43,050	49,900	-	-	68,526	46,860	68,526	46,860	(25,476)	3,040
Totals	14,497,363	22,601,044	10,878,633	18,694,530	1,939,322	4,514,723.50	12,817,955	23,209,254	1,679,408	(608,209)
Percentage of Budget	64.14%		58.19%		42.96%		55.23%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2017	2018 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	3,242,299	3,667,986	4,105,448
Western States Bar Conference	19,632	22,672	(5,844.44)
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	485,582	471,073	506,178
Section Funds	1,197,727	907,575	1,251,183
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	200,000	200,000	200,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,663,751	931,476	2,431,432
Total General Fund Balance	3,363,751	2,631,476	4,131,432
Net Change in general Fund Balance		(732,275)	767,681
Total Fund Balance	8,308,990	7,700,781	9,988,398
Net Change In Fund Balance		(608,209)	1,679,408

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	14,953,000.00	1,370,154.45	8,792,280.35	6,160,719.65	58.80%
LLLT LICENSE FEES	6,125.00	306.16	2,822.41	3,302.59	46.08%
LPO LICENSE FEES	109,000.00	9,063.79	64,795.60	44,204.40	59.45%
TOTAL REVENUE:	15,068,125.00	1,379,524.40	8,859,898.36	6,208,226.64	58.80%

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	-	344.24	1,655.76	17.21%
ATJ BOARD EXPENSE	24,000.00	4,655.46	9,804.24	14,195.76	40.85%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	331.95	1,811.56	1,188.44	60.39%
STAFF TRAVEL/PARKING	2,700.00	185.61	290.85	2,409.15	10.77%
PUBLIC DEFENSE	8,400.00	107.69	2,427.26	5,972.74	28.90%
RECEPTION/FORUM EXPENSE	9,500.00	-	3,132.31	6,367.69	32.97%
TOTAL DIRECT EXPENSES:	51,600.00	5,280.71	17,810.46	33,789.54	34.52%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	152,813.00	12,723.18	90,570.00	62,243.00	59.27%
BENEFITS EXPENSE	55,627.00	4,432.39	32,564.72	23,062.28	58.54%
OTHER INDIRECT EXPENSE	50,994.00	4,420.43	27,766.30	23,227.70	54.45%
TOTAL INDIRECT EXPENSES:	259,434.00	21,576.00	150,901.02	108,532.98	58.17%
TOTAL ALL EXPENSES:	311,034.00	26,856.71	168,711.48	142,322.52	54.24%
NET INCOME (LOSS):	(311,034.00)	(26,856.71)	(168,711.48)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	25,000.00	18,711.95	65,886.00	(40,886.00)	263.54%
GAIN/LOSS ON INVESTMENTS	30,000.00	(8,516.69)	(2,829.16)	32,829.16	-9.43%
MISCELLANEOUS	-	(320.00)	(320.00)	320.00	
RPC BOOKLETS	-	(266.22)	-	-	
TOTAL REVENUE:	55,000.00	9,609.04	62,736.84	(7,736.84)	114.07%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	1,746.41	(2,865.40)	2,865.40	
STAFF TRAVEL/PARKING	2,500.00	350.00	2,146.00	354.00	85.84%
STAFF MEMBERSHIP DUES	545.00	-	-	545.00	0.00%
TOTAL DIRECT EXPENSES:	3,045.00	2,096.41	(719.40)	3,764.40	-23.63%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.88 FTE)	663,826.00	45,667.02	402,733.86	261,092.14	60.67%
BENEFITS EXPENSE	226,598.00	17,778.41	130,911.70	95,686.30	57.77%
OTHER INDIRECT EXPENSE	191,350.00	16,554.42	103,984.01	87,365.99	54.34%
TOTAL INDIRECT EXPENSES:	1,081,774.00	79,999.85	637,629.57	444,144.43	58.94%
TOTAL ALL EXPENSES:	1,084,819.00	82,096.26	636,910.17	447,908.83	58.71%
NET INCOME (LOSS):	(1,029,819.00)	(72,487.22)	(574,173.33)		

Washington State Bar Association
Statement of Activities
For the Period from April 1, 2018 to April 30, 2018
58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	10,920.00	10,920.00	24,080.00	31.20%
BAR EXAM FEES	1,200,000.00	115,740.00	956,220.00	243,780.00	79.69%
RPC BOOKLETS	-	600.00	600.00	(600.00)	
SPECIAL ADMISSIONS	60,000.00	6,200.00	35,340.00	24,660.00	58.90%
LLLT EXAM FEES	7,500.00	1,200.00	4,150.00	3,350.00	55.33%
LLLT WAIVER FEES	900.00	-	-	900.00	0.00%
LPO EXAMINATION FEES	24,000.00	5,700.00	26,400.00	(2,400.00)	110.00%
TOTAL REVENUE:	1,327,400.00	140,360.00	1,033,630.00	293,770.00	77.87%
DIRECT EXPENSES:					
DEPRECIATION	2,222.00	-	-	2,222.00	0.00%
POSTAGE	4,000.00	413.82	1,694.31	2,305.69	42.36%
STAFF TRAVEL/PARKING	10,240.00	779.53	5,156.98	5,083.02	50.36%
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
SUPPLIES	1,000.00	-	2,839.24	(1,839.24)	283.92%
FACILITY, PARKING, FOOD	66,000.00	400.00	43,285.99	22,714.01	65.58%
EXAMINER FEES	35,000.00	-	10,000.00	25,000.00	28.57%
UBE EXMINATIONS	130,000.00	-	36,069.00	93,931.00	27.75%
BOARD OF BAR EXAMINERS	25,000.00	2,701.61	11,860.22	13,139.78	47.44%
BAR EXAM PROCTORS	30,000.00	-	11,074.00	18,926.00	36.91%
CHARACTER & FITNESS BOARD	20,000.00	-	11,103.76	8,896.24	55.52%
DISABILITY ACCOMMODATIONS	20,000.00	-	675.00	19,325.00	3.38%
CHARACTER & FITNESS INVESTIGATIONS	900.00	3.09	3,195.09	(2,295.09)	355.01%
LAW SCHOOL VISITS	1,000.00	-	423.75	576.25	42.38%
EXAM WRITING	28,355.00	-	6,825.00	21,530.00	24.07%
COURT REPORTERS	18,000.00	-	5,516.93	12,483.07	30.65%
PRINTING & COPYING	-	234.83	234.83	(234.83)	
TOTAL DIRECT EXPENSES:	392,117.00	4,532.88	149,954.10	242,162.90	38.24%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.20 FTE)	463,690.00	38,718.24	277,695.37	185,994.63	59.89%
BENEFITS EXPENSE	174,590.00	13,354.86	98,201.72	76,388.28	56.25%
OTHER INDIRECT EXPENSE	150,554.00	13,024.00	81,808.24	68,745.76	54.34%
TOTAL INDIRECT EXPENSES:	788,834.00	65,097.10	457,705.33	331,128.67	58.02%
TOTAL ALL EXPENSES:	1,180,951.00	69,629.98	607,659.43	573,291.57	51.46%
NET INCOME (LOSS):	146,449.00	70,730.02	425,970.57		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:					
	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	340.27	2,784.00	1,916.00	59.23%
STAFF MEMBERSHIP DUES	1,880.00	325.00	875.00	1,005.00	46.54%
TELEPHONE	1,000.00	69.35	529.40	470.60	52.94%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	-	60,000.00	0.00%
BOG MEETINGS	115,000.00	16,524.80	64,142.72	50,857.28	55.78%
BOG COMMITTEES' EXPENSES	30,000.00	4,209.38	15,479.98	14,520.02	51.60%
BOG CONFERENCE ATTENDANCE	17,500.00	2,267.90	6,496.21	11,003.79	37.12%
BOG TRAVEL & OUTREACH	45,000.00	3,833.04	15,604.84	29,395.16	34.68%
ED TRAVEL & OUTREACH	5,000.00	261.46	1,636.59	3,363.41	32.73%
TOTAL DIRECT EXPENSES:	280,080.00	27,831.20	107,548.74	172,531.26	38.40%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	357,754.00	26,824.60	232,013.37	125,740.63	64.85%
BENEFITS EXPENSE	105,480.00	8,311.11	61,830.76	43,649.24	58.62%
OTHER INDIRECT EXPENSE	59,493.00	5,162.10	32,425.22	27,067.78	54.50%
TOTAL INDIRECT EXPENSES:	522,727.00	40,297.81	326,269.35	196,457.65	62.42%
TOTAL ALL EXPENSES:	802,807.00	68,129.01	433,818.09	368,988.91	54.04%
NET INCOME (LOSS):	(802,807.00)	(68,129.01)	(433,818.09)		

Washington State Bar Association
Statement of Activities
For the Period from April 1, 2018 to April 30, 2018
58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
AWARDS LUNCH/DINNER	44,000.00	-	100.00	43,900.00	0.23%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	550.00	200.00	73.33%
WSBA LOGO MERCHANDISE SALES	-	-	560.00	(560.00)	
TOTAL REVENUE:	44,750.00	-	1,210.00	43,540.00	2.70%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,640.00	350.00	2,508.75	131.25	95.03%
STAFF MEMBERSHIP DUES	1,700.00	-	867.50	832.50	51.03%
SUBSCRIPTIONS	10,050.00	31.92	6,562.21	3,487.79	65.30%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	16.60	775.20	674.80	53.46%
AWARDS DINNER	63,000.00	-	6,917.09	56,082.91	10.98%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	8,228.43	(228.43)	102.86%
COMMUNICATIONS OUTREACH	15,000.00	233.59	1,685.31	13,314.69	11.24%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
TOTAL DIRECT EXPENSES:	103,440.00	632.11	27,544.49	75,895.51	26.63%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.68 FTE)	305,254.00	25,552.96	196,147.70	109,106.30	64.26%
BENEFITS EXPENSE	115,063.00	7,780.48	57,027.96	58,035.04	49.56%
OTHER INDIRECT EXPENSE	113,644.00	9,849.57	61,868.65	51,775.35	54.44%
TOTAL INDIRECT EXPENSES:	533,961.00	43,183.01	315,044.31	218,916.69	59.00%
TOTAL ALL EXPENSES:	637,401.00	43,815.12	342,588.80	294,812.20	53.75%
NET INCOME (LOSS):	(592,651.00)	(43,815.12)	(341,378.80)		

Washington State Bar Association

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For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	75.00	150.00	1,050.00	12.50%
TRANSLATION SERVICES	3,500.00	568.80	2,638.60	861.40	75.39%
TOTAL DIRECT EXPENSES:	<u>4,700.00</u>	<u>643.80</u>	<u>2,788.60</u>	<u>1,911.40</u>	<u>59.33%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	400,338.00	34,937.90	243,557.64	156,780.36	60.84%
BENEFITS EXPENSE	162,272.00	13,268.96	96,777.65	65,494.35	59.64%
OTHER INDIRECT EXPENSE	<u>173,623.00</u>	<u>14,730.80</u>	<u>93,517.07</u>	<u>80,105.93</u>	<u>53.86%</u>
TOTAL INDIRECT EXPENSES:	<u>736,233.00</u>	<u>62,937.66</u>	<u>433,852.36</u>	<u>302,380.64</u>	<u>58.93%</u>
TOTAL ALL EXPENSES:	<u>740,933.00</u>	<u>63,581.46</u>	<u>436,640.96</u>	<u>304,292.04</u>	<u>58.93%</u>
NET INCOME (LOSS):	<u>(740,933.00)</u>	<u>(63,581.46)</u>	<u>(436,640.96)</u>		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
RPC BOOKLETS	-	266.22	266.22	(266.22)	
AUDIT REVENUE	2,300.00	295.00	3,616.25	(1,316.25)	157.23%
RECOVERY OF DISCIPLINE COSTS	115,000.00	11,005.00	56,575.34	58,424.66	49.20%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,361.73	9,165.08	3,834.92	70.50%
TOTAL REVENUE:	130,300.00	12,927.95	69,622.89	60,677.11	53.43%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	17,028.00	859.00	6,008.00	11,020.00	35.28%
PUBLICATIONS PRODUCTION	330.00	-	221.98	108.02	67.27%
STAFF TRAVEL/PARKING	39,460.00	2,935.89	22,561.06	16,898.94	57.17%
STAFF MEMBERSHIP DUES	3,308.00	494.00	2,369.00	939.00	71.61%
TELEPHONE	2,800.00	186.72	1,280.16	1,519.84	45.72%
COURT REPORTERS	65,000.00	5,505.10	14,642.94	50,357.06	22.53%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	30,000.00	1,717.07	10,097.72	19,902.28	33.66%
DISABILITY EXPENSES	15,000.00	-	1,207.60	13,792.40	8.05%
ONLINE LEGAL RESEARCH	66,900.00	5,633.09	38,989.37	27,910.63	58.28%
LAW LIBRARY	12,000.00	277.87	11,317.97	682.03	94.32%
TRANSLATION SERVICES	3,000.00	1,275.55	2,327.88	672.12	77.60%
POSTAGE	-	(9.82)	-	-	
TOTAL DIRECT EXPENSES:	256,826.00	18,874.47	111,023.68	145,802.32	43.23%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.89 FTE)	3,436,749.00	285,035.38	2,021,813.36	1,414,935.64	58.83%
BENEFITS EXPENSE	1,142,156.00	91,204.70	672,123.57	470,032.43	58.85%
OTHER INDIRECT EXPENSE	895,798.00	77,550.65	487,122.33	408,675.67	54.38%
TOTAL INDIRECT EXPENSES:	5,474,703.00	453,790.73	3,181,059.26	2,293,643.74	58.10%
TOTAL ALL EXPENSES:	5,731,529.00	472,665.20	3,292,082.94	2,439,446.06	57.44%
NET INCOME (LOSS):	(5,601,229.00)	(459,737.25)	(3,222,460.05)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	90,000.00	-	97,500.00	(7,500.00)	108.33%
WORK STUDY GRANTS	10,374.00	703.50	2,404.50	7,969.50	23.18%
TOTAL REVENUE:	100,374.00	703.50	99,904.50	469.50	99.53%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	1,218.15	2,780.70	5,219.30	34.76%
STAFF MEMBERSHIP DUES	350.00	-	-	350.00	0.00%
COMMITTEE FOR DIVERSITY	6,200.00	331.74	1,784.37	4,415.63	28.78%
DIVERSITY EVENTS & PROJECTS	10,000.00	1,456.14	4,976.69	5,023.31	49.77%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSE:	25,250.00	3,006.03	9,541.76	15,708.24	37.79%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.21 FTE)	255,821.00	20,972.10	145,513.71	110,307.29	56.88%
BENEFITS EXPENSE	86,756.00	6,970.75	51,239.00	35,517.00	59.06%
OTHER INDIRECT EXPENSE	77,948.00	6,734.49	42,301.73	35,646.27	54.27%
TOTAL INDIRECT EXPENSES:	420,525.00	34,677.34	239,054.44	181,470.56	56.85%
TOTAL ALL EXPENSES:	445,775.00	37,683.37	248,596.20	197,178.80	55.77%
NET INCOME (LOSS):	(345,401.00)	(36,979.87)	(148,691.70)		

Washington State Bar Association

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For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	2,906.40	2,906.40	93.60	96.88%
PRINTING & COPYING	1,500.00	63.03	559.84	940.16	37.32%
STAFF TRAVEL/PARKING	1,500.00	-	165.86	1,334.14	11.06%
STAFF MEMBERSHIP DUES	600.00	-	-	600.00	0.00%
SUPPLIES	500.00	-	15.95	484.05	3.19%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	5,000.00	74.17	414.17	4,585.83	8.28%
GRAPHIC DESIGN	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	17,600.00	3,043.60	4,062.22	13,537.78	23.08%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.20 FTE)	89,200.00	7,346.16	53,207.89	35,992.11	59.65%
BENEFITS EXPENSE	32,713.00	2,553.20	18,767.32	13,945.68	57.37%
OTHER INDIRECT EXPENSE	29,140.00	2,521.72	15,839.86	13,300.14	54.36%
TOTAL INDIRECT EXPENSES:	151,053.00	12,421.08	87,815.07	63,237.93	58.14%
TOTAL ALL EXPENSES:	168,653.00	15,464.68	91,877.29	76,775.71	54.48%
NET INCOME (LOSS):	(168,653.00)	(15,464.68)	(91,877.29)		

Washington State Bar Association

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For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	150.00	28.00	28.00	122.00	18.67%
STAFF MEMBERSHIP DUES	1,188.00	-	678.00	510.00	57.07%
SUBSCRIPTIONS	1,938.00	-	1,752.92	185.08	90.45%
STAFF TRAINING- GENERAL	29,400.00	705.00	15,619.23	13,780.77	53.13%
RECRUITING AND ADVERTISING	7,000.00	226.08	2,984.83	4,015.17	42.64%
PAYROLL PROCESSING	55,000.00	3,559.90	27,638.77	27,361.23	50.25%
SALARY SURVEYS	2,900.00	324.80	949.60	1,950.40	32.74%
THIRD PARTY SERVICES	22,500.00	3,600.00	17,087.25	5,412.75	75.94%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(8,443.78)	(66,738.60)	(53,337.40)	55.58%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.48 FTE)	251,079.00	20,899.44	143,452.50	107,626.50	57.13%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	80,529.00	6,418.52	47,467.81	33,061.19	58.94%
OTHER INDIRECT EXPENSE	60,222.00	5,221.48	32,797.89	27,424.11	54.46%
TOTAL INDIRECT EXPENSES:	271,830.00	32,539.44	223,718.20	48,111.80	82.30%
TOTAL ALL EXPENSES:	271,830.00	32,539.44	223,718.20	48,111.80	82.30%
NET INCOME (LOSS):	(271,830.00)	(32,539.44)	(223,718.20)		

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58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	110,000.00	-	115,700.00	(5,700.00)	105.18%
LAW CLERK APPLICATION FEES	2,000.00	100.00	1,900.00	100.00	95.00%
TOTAL REVENUE:	112,000.00	100.00	117,600.00	(5,600.00)	105.00%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	250.00	-	100.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	4,000.00	94.92	3,137.61	862.39	78.44%
TOTAL DIRECT EXPENSES:	4,350.00	94.92	3,387.61	962.39	77.88%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.85 FTE)	67,292.00	5,336.74	39,003.49	28,288.51	57.96%
BENEFITS EXPENSE	23,746.00	1,869.31	13,751.19	9,994.81	57.91%
OTHER INDIRECT EXPENSE	20,640.00	1,780.02	11,181.07	9,458.93	54.17%
TOTAL INDIRECT EXPENSES:	111,678.00	8,986.07	63,935.75	47,742.25	57.25%
TOTAL ALL EXPENSES:	116,028.00	9,080.99	67,323.36	48,704.64	58.02%
NET INCOME (LOSS):	(4,028.00)	(8,980.99)	50,276.64		

Washington State Bar Association

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58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	36.00	925.57	7,074.43	11.57%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	3,000.00	26.71	186.77	2,813.23	6.23%
OLYMPIA RENT	2,500.00	244.92	1,224.60	1,275.40	48.98%
CONTRACT LOBBYIST	5,000.00	-	-	5,000.00	0.00%
LOBBYIST CONTACT COSTS	1,000.00	-	291.81	708.19	29.18%
LEGISLATIVE COMMITTEE	2,500.00	9.17	267.75	2,232.25	10.71%
BOG LEGISLATIVE COMMITTEE	250.00	-	240.79	9.21	96.32%
TOTAL DIRECT EXPENSES:	24,700.00	316.80	5,119.09	19,580.91	20.73%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	75,380.00	2,558.34	26,739.23	48,640.77	35.47%
BENEFITS EXPENSE	27,080.00	1,382.37	11,356.84	15,723.16	41.94%
OTHER INDIRECT EXPENSE	24,283.00	2,106.38	13,230.93	11,052.07	54.49%
TOTAL INDIRECT EXPENSES:	126,743.00	6,047.09	51,327.00	75,416.00	40.50%
TOTAL ALL EXPENSES:	151,443.00	6,363.89	56,446.09	94,996.91	37.27%
NET INCOME (LOSS):	(151,443.00)	(6,363.89)	(56,446.09)		

Washington State Bar Association

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For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,934.94	11,177.90	10,822.10	50.81%
RULE 9/LEGAL INTERN FEES	11,000.00	2,450.00	4,550.00	6,450.00	41.36%
INVESTIGATION FEES	20,000.00	3,000.00	13,700.00	6,300.00	68.50%
PRO HAC VICE	210,000.00	21,039.00	177,638.00	32,362.00	84.59%
MEMBER CONTACT INFORMATION	21,000.00	1,208.16	12,522.28	8,477.72	59.63%
PHOTO BAR CARD SALES	700.00	12.00	288.00	412.00	41.14%
TOTAL REVENUE:	284,700.00	29,644.10	219,876.18	64,823.82	77.23%
DIRECT EXPENSES:					
DEPRECIATION	11,496.00	1,151.00	6,905.00	4,591.00	60.06%
POSTAGE	31,500.00	-	26,858.74	4,641.26	85.27%
LICENSING FORMS	3,000.00	47.93	2,048.00	952.00	68.27%
TOTAL DIRECT EXPENSES:	45,996.00	1,198.93	35,811.74	10,184.26	77.86%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.65 FTE)	410,886.00	33,229.52	246,750.23	164,135.77	60.05%
BENEFITS EXPENSE	136,992.00	10,872.95	80,175.55	56,816.45	58.53%
OTHER INDIRECT EXPENSE	112,916.00	9,760.56	61,309.50	51,606.50	54.30%
TOTAL INDIRECT EXPENSES:	660,794.00	53,863.03	388,235.28	272,558.72	58.75%
TOTAL ALL EXPENSES:	706,790.00	55,061.96	424,047.02	282,742.98	60.00%
NET INCOME (LOSS):	(422,090.00)	(25,417.86)	(204,170.84)		

Washington State Bar Association

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58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	6.00	50.00	550.00	8.33%
LLLT BOARD	17,000.00	945.79	9,101.64	7,898.36	53.54%
LLLT OUTREACH	8,000.00	2,287.50	3,061.64	4,938.36	38.27%
TOTAL DIRECT EXPENSES:	25,600.00	3,239.29	12,213.28	13,386.72	47.71%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.75 FTE)	142,602.00	11,051.38	84,037.44	58,564.56	58.93%
BENEFITS EXPENSE	49,304.00	3,893.54	28,702.26	20,601.74	58.21%
OTHER INDIRECT EXPENSE	42,495.00	3,678.75	23,107.58	19,387.42	54.38%
TOTAL INDIRECT EXPENSES:	234,401.00	18,623.67	135,847.28	98,553.72	57.96%
TOTAL ALL EXPENSES:	260,001.00	21,862.96	148,060.56	111,940.44	56.95%
NET INCOME (LOSS):	(260,001.00)	(21,862.96)	(148,060.56)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
LPO BOARD	3,000.00	42.81	1,806.50	1,193.50	60.22%
TOTAL DIRECT EXPENSES:	3,000.00	42.81	1,806.50	1,193.50	60.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.16 FTE)	97,589.00	7,762.84	55,858.77	41,730.23	57.24%
BENEFITS EXPENSE	33,707.00	2,659.47	19,639.53	14,067.47	58.27%
OTHER INDIRECT EXPENSE	28,168.00	2,432.71	15,280.77	12,887.23	54.25%
TOTAL INDIRECT EXPENSES:	159,464.00	12,855.02	90,779.07	68,684.93	56.93%
TOTAL ALL EXPENSES:	162,464.00	12,897.83	92,585.57	69,878.43	56.99%
NET INCOME (LOSS):	(162,464.00)	(12,897.83)	(92,585.57)		

Washington State Bar Association
Statement of Activities
For the Period from April 1, 2018 to April 30, 2018
58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	282,000.00	22,300.00	177,500.00	104,500.00	62.94%
FORM 1 LATE FEES	100,000.00	10,395.00	85,960.00	14,040.00	85.96%
MEMBER LATE FEES	203,000.00	46,382.00	196,250.00	6,750.00	96.67%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	-	29,500.00	(2,500.00)	109.26%
ATTENDANCE FEES	60,000.00	3,361.00	31,042.00	28,958.00	51.74%
ATTENDANCE LATE FEES	60,000.00	4,480.00	41,125.00	18,875.00	68.54%
COMITY CERTIFICATES	29,000.00	600.00	27,175.67	1,824.33	93.71%
TOTAL REVENUE:	761,000.00	87,518.00	588,552.67	172,447.33	77.34%
DIRECT EXPENSES:					
DEPRECIATION	235,944.00	20,079.00	139,473.00	96,471.00	59.11%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
MCLE BOARD	2,000.00	7.77	359.81	1,640.19	17.99%
TOTAL DIRECT EXPENSES:	238,444.00	20,086.77	139,832.81	98,611.19	58.64%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.80 FTE)	311,815.00	24,701.34	200,905.80	110,909.20	64.43%
BENEFITS EXPENSE	113,165.00	9,205.92	65,680.55	47,484.45	58.04%
OTHER INDIRECT EXPENSE	115,344.00	9,997.94	62,800.41	52,543.59	54.45%
TOTAL INDIRECT EXPENSES:	540,324.00	43,905.20	329,386.76	210,937.24	60.96%
TOTAL ALL EXPENSES:	778,768.00	63,991.97	469,219.57	309,548.43	60.25%
NET INCOME (LOSS):	(17,768.00)	23,526.03	119,333.10		

Washington State Bar Association
Statement of Activities
For the Period from April 1, 2018 to April 30, 2018
58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	1,125.00	6,705.00	3,295.00	67.05%
LAP GROUPS REVENUE	-	-	270.00	(270.00)	
TOTAL REVENUE:	10,000.00	1,125.00	6,975.00	3,025.00	69.75%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	350.00	226.00	226.00	124.00	64.57%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
PROF LIAB INSURANCE	850.00	-	775.50	74.50	91.24%
TOTAL DIRECT EXPENSES:	1,500.00	226.00	1,001.50	498.50	66.77%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	79,821.00	6,734.87	47,602.18	32,218.82	59.64%
BENEFITS EXPENSE	31,796.00	2,145.33	15,820.22	15,975.78	49.76%
OTHER INDIRECT EXPENSE	21,126.00	1,839.39	11,553.74	9,572.26	54.69%
TOTAL INDIRECT EXPENSES:	132,743.00	10,719.59	74,976.14	57,766.86	56.48%
TOTAL ALL EXPENSES:	134,243.00	10,945.59	75,977.64	58,265.36	56.60%
NET INCOME (LOSS):	(124,243.00)	(9,820.59)	(69,002.64)		

Washington State Bar Association
Statement of Activities
For the Period from April 1, 2018 to April 30, 2018
58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
MP3 SALES	-	98.00	1,029.00	(1,029.00)	
DIGITAL VIDEO SALES	-	196.00	4,165.00	(4,165.00)	
SEMINAR REVENUE-OTHER	-	-	4,500.00	(4,500.00)	
TOTAL REVENUE:	-	294.00	9,694.00	(9,694.00)	
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	158.38	1,300.42	399.58	76.50%
WSBA CONNECTS	46,560.00	-	23,280.00	23,280.00	50.00%
CASEMAKER	75,000.00	12,534.70	43,625.69	31,374.31	58.17%
TOTAL DIRECT EXPENSES:	123,760.00	12,693.08	68,206.11	55,553.89	55.11%
INDIRECT EXPENSES:					
INDIRECT EXPENSES:	23,718.00	2,030.16	14,196.66	9,521.34	59.86%
SALARY EXPENSE (0.40 FTE)	9,377.00	771.22	5,614.85	3,762.15	59.88%
BENEFITS EXPENSE	9,713.00	830.68	5,217.84	4,495.16	53.72%
OTHER INDIRECT EXPENSE					
TOTAL INDIRECT EXPENSES:	42,808.00	3,632.06	25,029.35	17,778.65	58.47%
TOTAL ALL EXPENSES:	166,568.00	16,325.14	93,235.46	73,332.54	55.97%
NET INCOME (LOSS):	(166,568.00)	(16,031.14)	(83,541.46)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MENTORSHIP PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	-	813.45	1,186.55	40.67%
SUBSCRIPTIONS	125.00	-	-	125.00	0.00%
CONFERENCE CALLS	100.00	-	3.61	96.39	3.61%
MENTORSHIP PROGRAM EXPENSES	2,500.00	-	17.22	2,482.78	0.69%
RECEPTION/FORUM EXPENSE	6,500.00	1,737.50	4,618.37	1,881.63	71.05%
TOTAL DIRECT EXPENSES:	11,225.00	1,737.50	5,452.65	5,772.35	48.58%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	61,746.00	5,221.82	32,752.21	28,993.79	53.04%
BENEFITS EXPENSE	22,792.00	1,840.48	13,490.75	9,301.25	59.19%
OTHER INDIRECT EXPENSE	21,855.00	1,898.72	11,926.49	9,928.51	54.57%
TOTAL INDIRECT EXPENSES:	106,393.00	8,961.02	58,169.45	48,223.55	54.67%
TOTAL ALL EXPENSES:	117,618.00	10,698.52	63,622.10	53,995.90	54.09%
NET INCOME (LOSS):	(117,618.00)	(10,698.52)	(63,622.10)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NEW MEMBER PROGRAM					
REVENUE:					
NMP PRODUCT SALES	15,000.00	7,287.00	68,902.05	(53,902.05)	459.35%
SPONSORSHIPS	1,200.00	-	1,095.00	105.00	91.25%
SEMINAR REGISTRATIONS	20,000.00	-	28,064.21	(8,064.21)	140.32%
TRIAL ADVOCACY PROGRAM	17,000.00	-	12,332.25	4,667.75	72.54%
TOTAL REVENUE:	53,200.00	7,287.00	110,393.51	(57,193.51)	207.51%
DIRECT EXPENSES:					
YLL SECTION PROGRAM	1,500.00	-	793.17	706.83	52.88%
CLE COMPS	1,500.00	-	-	1,500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	113.88	1,886.12	5.69%
STAFF MEMBERSHIP DUES	30.00	-	70.00	(40.00)	233.33%
ONLINE EXPENSES	2,250.00	-	-	2,250.00	0.00%
SEMINAR BROCHURES	1,500.00	-	-	1,500.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	52.53	671.33	828.67	44.76%
NEW LAWYER OUTREACH EVENTS	3,000.00	(1,138.72)	-	3,000.00	0.00%
NEW LAWYERS COMMITTEE	15,000.00	584.02	2,334.37	12,665.63	15.56%
OPEN SECTIONS NIGHT	3,000.00	(76.93)	5,176.87	(2,176.87)	172.56%
TRIAL ADVOCACY PROGRAM	2,500.00	-	2,747.17	(247.17)	109.89%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	-	-	2,000.00	0.00%
TOTAL DIRECT EXPENSES:	35,780.00	(579.10)	11,906.79	23,873.21	33.28%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.20 FTE)	152,719.00	13,020.66	83,098.56	69,620.44	54.41%
BENEFITS EXPENSE	56,408.00	4,575.55	33,613.22	22,794.78	59.59%
OTHER INDIRECT EXPENSE	53,422.00	4,628.13	29,070.86	24,351.14	54.42%
TOTAL INDIRECT EXPENSES:	262,549.00	22,224.34	145,782.64	116,766.36	55.53%
TOTAL ALL EXPENSES:	298,329.00	21,645.24	157,689.43	140,639.57	52.86%
NET INCOME (LOSS):	(245,129.00)	(14,358.24)	(47,295.92)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	2,442.66	3,591.46	(3,591.46)	
DISPLAY ADVERTISING	400,000.00	33,171.00	145,392.25	254,607.75	36.35%
SUBSCRIPT/SINGLE ISSUES	350.00	-	144.00	206.00	41.14%
CLASSIFIED ADVERTISING	100,000.00	16,027.56	81,072.44	18,927.56	81.07%
GEN ANNOUNCEMENTS	15,000.00	2,080.00	5,230.00	9,770.00	34.87%
PROF ANNOUNCEMENTS	23,000.00	2,150.00	7,967.50	15,032.50	34.64%
TOTAL REVENUE:	538,350.00	55,871.22	243,397.65	294,952.35	45.21%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	6,000.00	(3,700.00)	(3,057.00)	9,057.00	-50.95%
POSTAGE	89,000.00	9,627.15	57,821.28	31,178.72	64.97%
PRINTING, COPYING & MAILING	250,000.00	52,788.22	128,406.34	121,593.66	51.36%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	-	2,800.00	7,400.00	27.45%
GRAPHICS/ARTWORK	3,500.00	-	882.80	2,617.20	25.22%
OUTSIDE SALES EXPENSE	75,000.00	11,287.80	11,287.80	63,712.20	15.05%
EDITORIAL ADVISORY COMMITTEE	800.00	350.37	430.66	369.34	53.83%
TOTAL DIRECT EXPENSES:	434,500.00	70,353.54	198,571.88	235,928.12	45.70%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.80 FTE)	129,203.00	7,271.84	50,207.69	78,995.31	38.86%
BENEFITS EXPENSE	52,295.00	3,624.33	25,386.07	26,908.93	48.54%
OTHER INDIRECT EXPENSE	43,709.00	3,797.47	23,853.02	19,855.98	54.57%
TOTAL INDIRECT EXPENSES:	225,207.00	14,693.64	99,446.78	125,760.22	44.16%
TOTAL ALL EXPENSES:	659,707.00	85,047.18	298,018.66	361,688.34	45.17%
NET INCOME (LOSS):	(121,357.00)	(29,175.96)	(54,621.01)		

Washington State Bar Association

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58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	86.70	246.80	(246.80)	
TOTAL REVENUE:	-	86.70	246.80	(246.80)	
DIRECT EXPENSES:					
DEPRECIATION	556.00	-	-	556.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	350.00	2,145.81	1,094.19	66.23%
STAFF MEMBERSHIP DUES	1,500.00	-	-	1,500.00	0.00%
COURT RULES COMMITTEE	4,000.00	125.52	659.52	3,340.48	16.49%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	-	-	1,500.00	0.00%
CUSTODIANSHIPS	2,500.00	870.85	1,142.89	1,357.11	45.72%
TOTAL DIRECT EXPENSES:	13,296.00	1,346.37	3,948.22	9,347.78	29.69%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.41 FTE)	507,852.00	34,358.74	278,989.15	228,862.85	54.94%
BENEFITS EXPENSE	172,072.00	13,017.47	96,106.65	75,965.35	55.85%
OTHER INDIRECT EXPENSE	131,371.00	11,362.60	71,372.49	59,998.51	54.33%
TOTAL INDIRECT EXPENSES:	811,295.00	58,738.81	446,468.29	364,826.71	55.03%
TOTAL ALL EXPENSES:	824,591.00	60,085.18	450,416.51	374,174.49	54.62%
NET INCOME (LOSS):	(824,591.00)	(59,998.48)	(450,169.71)		

Washington State Bar Association

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58.33% OF YEAR COMPLETE

	FISCAL 2018 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	-	328.20	171.80	65.64%
DISCIPLINARY BOARD EXPENSES	10,000.00	281.49	7,299.04	2,700.96	72.99%
CHIEF HEARING OFFICER	33,000.00	2,500.00	17,833.60	15,166.40	54.04%
HEARING OFFICER EXPENSES	3,000.00	816.79	2,291.98	708.02	76.40%
HEARING OFFICER TRAINING	2,000.00	117.70	1,014.95	985.05	50.75%
OUTSIDE COUNSEL	55,000.00	3,000.00	24,750.00	30,250.00	45.00%
DISCIPLINARY SELECTION PANEL	-	321.66	321.66	(321.66)	
TOTAL DIRECT EXPENSES:	103,500.00	7,037.64	53,839.43	49,660.57	52.02%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.60 FTE)	119,426.00	9,138.06	65,411.70	54,014.30	54.77%
BENEFITS EXPENSE	45,067.00	3,258.27	24,016.03	21,050.97	53.29%
OTHER INDIRECT EXPENSE	38,853.00	3,352.41	21,057.76	17,795.24	54.20%
TOTAL INDIRECT EXPENSES:	203,346.00	15,748.74	110,485.49	92,860.51	54.33%
TOTAL ALL EXPENSES:	306,846.00	22,786.38	164,324.92	142,521.08	53.55%
NET INCOME (LOSS):	(306,846.00)	(22,786.38)	(164,324.92)		

Washington State Bar Association

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58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	400.00	-	-	400.00	0.00%
STAFF MEMBERSHIP DUES	300.00	-	219.00	81.00	73.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	-	440.00	4,060.00	9.78%
ANNUAL CHAIR MEETINGS	600.00	-	624.09	(24.09)	104.02%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	174.24	2,055.38	2,444.62	45.68%
BOG ELECTIONS	6,500.00	-	713.29	5,786.71	10.97%
BAR OUTREACH	5,000.00	-	966.32	4,033.68	19.33%
PROFESSIONALISM	750.00	-	-	750.00	0.00%
TOTAL DIRECT EXPENSES:	22,750.00	174.24	5,018.08	17,731.92	22.06%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.83 FTE)	218,297.00	22,096.76	115,398.33	102,898.67	52.86%
BENEFITS EXPENSE	77,759.00	5,253.87	40,109.65	37,649.35	51.58%
OTHER INDIRECT EXPENSE	68,721.00	5,933.48	37,270.23	31,450.77	54.23%
TOTAL INDIRECT EXPENSES:	364,777.00	33,284.11	192,778.21	171,998.79	52.85%
TOTAL ALL EXPENSES:	387,527.00	33,458.35	197,796.29	189,730.71	51.04%
NET INCOME (LOSS):	(387,527.00)	(33,458.35)	(197,796.29)		

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58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE MANAGEMENT ASSISTANCE					
REVENUE:					
ROYALTIES	15,000.00	-	18,607.33	(3,607.33)	124.05%
LAW OFFICE IN A BOX SALES	-	-	45.00	(45.00)	
TOTAL REVENUE:	15,000.00	-	18,652.33	(3,652.33)	124.35%
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	2,000.00	-	198.65	1,801.35	9.93%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CONFERENCE CALLS	100.00	-	32.65	67.35	32.65%
LIBRARY MATERIALS/RESOURCES	1,000.00	-	77.83	922.17	7.78%
WSBA MEMBER BENEFITS OPEN HOUSE	2,250.00	-	613.89	1,636.11	27.28%
TOTAL DIRECT EXPENSES:	5,850.00	-	923.02	4,926.98	15.78%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.50 FTE)	128,060.00	10,665.70	74,820.82	53,239.18	58.43%
BENEFITS EXPENSE	43,808.00	3,498.26	25,797.45	18,010.55	58.89%
OTHER INDIRECT EXPENSE	36,424.00	3,144.76	19,753.30	16,670.70	54.23%
TOTAL INDIRECT EXPENSES:	208,292.00	17,308.72	120,371.57	87,920.43	57.79%
TOTAL ALL EXPENSES:	214,142.00	17,308.72	121,294.59	92,847.41	56.64%
NET INCOME (LOSS):	(199,142.00)	(17,308.72)	(102,642.26)		

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58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
TRANSLATION SERVICES	200.00	-	-	200.00	0.00%
PRACTICE OF LAW BOARD	15,000.00	1,089.56	9,300.36	5,699.64	62.00%
TOTAL DIRECT EXPENSES:	15,200.00	1,089.56	9,300.36	5,899.64	61.19%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.65 FTE)	66,165.00	5,525.02	40,064.36	26,100.64	60.55%
BENEFITS EXPENSE	21,484.00	1,609.57	11,899.17	9,584.83	55.39%
OTHER INDIRECT EXPENSE	15,784.00	1,364.74	8,572.12	7,211.88	54.31%
TOTAL INDIRECT EXPENSES:	103,433.00	8,499.33	60,535.65	42,897.35	58.53%
TOTAL ALL EXPENSES:	118,633.00	9,588.89	69,836.01	48,796.99	58.87%
NET INCOME (LOSS):	(118,633.00)	(9,588.89)	(69,836.01)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,800.00	30.96	1,563.37	236.63	86.85%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CPE COMMITTEE	4,000.00	909.45	3,707.33	292.67	92.68%
TOTAL DIRECT EXPENSES:	<u>6,300.00</u>	<u>940.41</u>	<u>5,270.70</u>	<u>1,029.30</u>	<u>83.66%</u>
INDIRECT EXPENSES:					
SALARY EXPENSE (1.89 FTE)	169,758.00	13,499.76	95,798.63	73,959.37	56.43%
BENEFITS EXPENSE	62,970.00	4,416.33	32,674.39	30,295.61	51.89%
OTHER INDIRECT EXPENSE	<u>45,895.00</u>	<u>3,975.41</u>	<u>24,971.11</u>	<u>20,923.89</u>	<u>54.41%</u>
TOTAL INDIRECT EXPENSES:	<u>278,623.00</u>	<u>21,891.50</u>	<u>153,444.13</u>	<u>125,178.87</u>	<u>55.07%</u>
TOTAL ALL EXPENSES:	<u>284,923.00</u>	<u>22,831.91</u>	<u>158,714.83</u>	<u>126,208.17</u>	<u>55.70%</u>
NET INCOME (LOSS):	<u>(284,923.00)</u>	<u>(22,831.91)</u>	<u>(158,714.83)</u>		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	95,000.00	-	102,500.00	(7,500.00)	107.89%
PSP PRODUCT SALES	10,000.00	353.00	3,297.00	6,703.00	32.97%
TOTAL REVENUE:	105,000.00	353.00	105,797.00	(797.00)	100.76%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	24,058.25	101,039.33	106,875.67	48.60%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	500.00	-	-	500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	567.59	1,432.41	28.38%
CONFERENCE CALLS	200.00	-	6.66	193.34	3.33%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	72.34	626.08	1,373.92	31.30%
PUBLIC SERVICE EVENTS AND PROJECTS	11,500.00	-	1,084.38	10,415.62	9.43%
TOTAL DIRECT EXPENSES:	224,615.00	24,130.59	103,324.04	121,290.96	46.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.77 FTE)	136,436.00	5,617.76	76,579.83	59,856.17	56.13%
BENEFITS EXPENSE	48,060.00	3,896.23	28,685.70	19,374.30	59.69%
OTHER INDIRECT EXPENSE	42,981.00	3,708.42	23,293.88	19,687.12	54.20%
TOTAL INDIRECT EXPENSES:	227,477.00	13,222.41	128,559.41	98,917.59	56.52%
TOTAL ALL EXPENSES:	452,092.00	37,353.00	231,883.45	220,208.55	51.29%
NET INCOME (LOSS):	(347,092.00)	(37,000.00)	(126,086.45)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
IMAGE LIBRARY	4,100.00	-	4,100.00	-	100.00%
TOTAL DIRECT EXPENSES:	4,100.00	-	4,100.00	-	100.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.39 FTE)	90,187.00	7,525.98	53,225.31	36,961.69	59.02%
BENEFITS EXPENSE	34,341.00	2,703.97	19,577.08	14,763.92	57.01%
OTHER INDIRECT EXPENSE	33,753.00	2,937.10	18,448.87	15,304.13	54.66%
TOTAL INDIRECT EXPENSES:	158,281.00	13,167.05	91,251.26	67,029.74	57.65%
TOTAL ALL EXPENSES:	162,381.00	13,167.05	95,351.26	67,029.74	58.72%
NET INCOME (LOSS):	(162,381.00)	(13,167.05)	(95,351.26)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	308,000.00	3,075.00	297,712.50	10,287.50	96.66%
TOTAL REVENUE:	308,000.00	3,075.00	297,712.50	10,287.50	96.66%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	62.10	316.75	883.25	26.40%
SUBSCRIPTIONS	300.00	-	372.00	(72.00)	124.00%
CONFERENCE CALLS	300.00	-	161.33	138.67	53.78%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	2,000.00	-	580.34	1,419.66	29.02%
DUES STATEMENTS	6,000.00	-	5,257.54	742.46	87.63%
TOTAL DIRECT EXPENSES:	10,100.00	62.10	6,687.96	3,412.04	66.22%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.00 FTE)	266,847.00	22,778.82	144,713.13	122,133.87	54.23%
BENEFITS EXPENSE	100,979.00	8,140.33	57,969.06	43,009.94	57.41%
OTHER INDIRECT EXPENSE	97,132.00	8,395.86	52,737.46	44,394.54	54.29%
TOTAL INDIRECT EXPENSES:	464,958.00	39,315.01	255,419.65	209,538.35	54.93%
TOTAL ALL EXPENSES:	475,058.00	39,377.11	262,107.61	212,950.39	55.17%
NET INCOME (LOSS):	(167,058.00)	(36,302.11)	35,604.89		

Washington State Bar Association
Statement of Activities
For the Period from April 1, 2018 to April 30, 2018
58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:					
CONSULTING SERVICES	110,000.00	3,160.00	29,125.60	80,874.40	26.48%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	45.00	65.00	40.91%
TELEPHONE	24,000.00	1,457.52	10,387.15	13,612.85	43.28%
COMPUTER HARDWARE	29,000.00	-	11,632.65	17,367.35	40.11%
COMPUTER SOFTWARE	29,000.00	-	9,735.02	19,264.98	33.57%
HARDWARE SERVICE & WARRANTIES	47,000.00	-	18,760.00	28,240.00	39.91%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	73,641.21	137,331.99	132,668.01	50.86%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	1,612.75	10,855.25	15,144.75	41.75%
COMPUTER SUPPLIES	34,000.00	1,814.10	7,221.54	26,778.46	21.24%
THIRD PARTY SERVICES	74,050.00	1,392.25	33,831.75	40,218.25	45.69%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(83,077.83)	(268,925.95)	(376,734.05)	41.65%
TOTAL DIRECT EXPENSES:	<u>-</u>	<u>0.00</u>	<u>(0.00)</u>	<u>0.00</u>	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,036,073.00	87,514.18	607,246.81	428,826.19	58.61%
BENEFITS EXPENSE	355,694.00	27,382.50	205,782.35	149,911.65	57.85%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(13,011.96)	(75,595.80)	(118,404.20)	38.97%
OTHER INDIRECT EXPENSE	293,823.00	25,425.01	160,231.24	133,591.76	54.53%
TOTAL INDIRECT EXPENSES:	<u>1,491,590.00</u>	<u>127,309.73</u>	<u>897,664.60</u>	<u>593,925.40</u>	<u>60.18%</u>
TOTAL ALL EXPENSES:	<u>1,491,590.00</u>	<u>127,309.73</u>	<u>897,664.60</u>	<u>593,925.40</u>	<u>60.18%</u>
NET INCOME (LOSS):	<u>(1,491,590.00)</u>	<u>(127,309.73)</u>	<u>(897,664.60)</u>		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	864,735.00	87,689.50	350,396.73	514,338.27	40.52%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	2,000.00	4,000.00	25,500.00	13.56%
SHIPPING & HANDLING	1,000.00	162.00	1,206.00	(206.00)	120.60%
COURSEBOOK SALES	17,000.00	270.00	6,256.24	10,743.76	36.80%
MP3 AND VIDEO SALES	950,000.00	31,578.40	656,482.59	293,517.41	69.10%
TOTAL REVENUE:	1,862,235.00	121,699.90	1,018,341.56	843,893.44	54.68%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	326.26	982.59	3,017.41	24.56%
POSTAGE - FLIERS/CATALOGS	30,000.00	3,317.31	4,437.15	25,562.85	14.79%
POSTAGE - MISC./DELIVERY	2,500.00	-	245.00	2,255.00	9.80%
DEPRECIATION	10,615.00	632.00	2,544.00	8,071.00	23.97%
ONLINE EXPENSES	82,000.00	6,884.21	67,468.73	14,531.27	82.28%
ACCREDITATION FEES	3,550.00	127.00	3,620.00	(70.00)	101.97%
SEMINAR BROCHURES	55,000.00	2,436.02	8,718.87	46,281.13	15.85%
FACILITIES	250,000.00	46,032.88	115,523.76	134,476.24	46.21%
SPEAKERS & PROGRAM DEVELOP	58,000.00	580.25	11,642.72	46,357.28	20.07%
SPLITS TO SECTIONS	51,777.00	-	16,022.31	35,754.69	30.94%
SPLITS TO CO-SPONSORS	7,500.00	-	-	7,500.00	0.00%
HONORARIA	10,000.00	-	500.00	9,500.00	5.00%
CLE SEMINAR COMMITTEE	500.00	-	93.85	406.15	18.77%
BAD DEBT EXPENSE	600.00	-	-	600.00	0.00%
STAFF TRAVEL/PARKING	3,000.00	-	335.06	2,664.94	11.17%
STAFF MEMBERSHIP DUES	1,550.00	-	-	1,550.00	0.00%
SUPPLIES	2,000.00	343.38	1,121.93	878.07	56.10%
COST OF SALES - COURSEBOOKS	1,190.00	19.74	600.98	589.02	50.50%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	21.61	228.31	1,771.69	11.42%
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	577,582.00	60,720.66	234,085.26	343,496.74	40.53%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.94 FTE)	641,812.00	53,962.27	388,547.51	253,264.49	60.54%
BENEFITS EXPENSE	244,970.00	19,843.62	145,420.03	99,549.97	59.36%
OTHER INDIRECT EXPENSE	241,372.00	20,885.91	131,191.28	110,180.72	54.35%
TOTAL INDIRECT EXPENSES:	1,128,154.00	94,691.80	665,158.82	462,995.18	58.96%
TOTAL ALL EXPENSES:	1,705,736.00	155,412.46	899,244.08	806,491.92	52.72%
NET INCOME (LOSS):	156,499.00	(33,712.56)	119,097.48		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	4,000.00	-	221.00	3,779.00	5.53%
DESKBOOK SALES	100,000.00	4,877.81	22,691.02	77,308.98	22.69%
SECTION PUBLICATION SALES	6,000.00	225.00	2,915.00	3,085.00	48.58%
CASEMAKER ROYALTIES	60,000.00	16,576.52	42,740.35	17,259.65	71.23%
TOTAL REVENUE:	170,000.00	21,679.33	68,567.37	101,432.63	40.33%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	70,000.00	3,865.06	16,202.07	53,797.93	23.15%
COST OF SALES - SECTION PUBLICATION	1,000.00	39.02	505.14	494.86	50.51%
SPLITS TO SECTIONS	2,000.00	-	2,143.70	(143.70)	107.19%
DESKBOOK ROYALTIES	1,000.00	-	414.87	585.13	41.49%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	3,000.00	330.74	(819.19)	3,819.19	-27.31%
FLIERS/CATALOGS	5,000.00	-	-	5,000.00	0.00%
POSTAGE - FLIERS/CATALOGS	2,500.00	-	-	2,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	-	2,000.00	0.00%
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	-	4,340.00	3,100.00	58.33%
STAFF MEMBERSHIP DUES	205.00	-	-	205.00	0.00%
MISCELLANEOUS	200.00	24.26	24.26	175.74	12.13%
STAFF TRAVEL/PARKING	-	(24.26)	-	-	
TOTAL DIRECT EXPENSES:	94,695.00	4,234.82	22,810.85	71,884.15	24.09%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.15 FTE)	140,713.00	11,728.02	84,069.03	56,643.97	59.75%
BENEFITS EXPENSE	53,392.00	4,345.46	31,862.88	21,529.12	59.68%
OTHER INDIRECT EXPENSE	52,208.00	4,509.42	28,325.42	23,882.58	54.25%
TOTAL INDIRECT EXPENSES:	246,313.00	20,582.90	144,257.33	102,055.67	58.57%
TOTAL ALL EXPENSES:	341,008.00	24,817.72	167,068.18	173,939.82	48.99%
NET INCOME (LOSS):	(171,008.00)	(3,138.39)	(98,500.81)		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	234.80	26,523.87	(23,523.87)	884.13%
CPF MEMBER ASSESSMENTS	982,000.00	11,670.00	968,397.80	13,602.20	98.61%
INTEREST INCOME	7,500.00	3,726.41	18,801.41	(11,301.41)	250.69%
TOTAL REVENUE:	992,500.00	15,631.21	1,013,723.08	(21,223.08)	102.14%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(135.74)	(570.98)	1,570.98	-57.10%
GIFTS TO INJURED CLIENTS	400,000.00	17,750.00	54,040.50	345,959.50	13.51%
CPF BOARD EXPENSES	2,000.00	41.92	829.98	1,170.02	41.50%
TOTAL DIRECT EXPENSES:	403,000.00	17,656.18	54,299.50	348,700.50	13.47%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.35 FTE)	95,818.00	7,921.68	56,418.58	39,399.42	58.88%
BENEFITS EXPENSE	35,213.00	2,878.23	21,002.59	14,210.41	59.64%
OTHER INDIRECT EXPENSE	32,782.00	3,158.68	18,852.81	13,929.19	57.51%
TOTAL INDIRECT EXPENSES:	163,813.00	13,958.59	96,273.98	67,539.02	58.77%
TOTAL ALL EXPENSES:	566,813.00	31,614.77	150,573.48	416,239.52	26.56%
NET INCOME (LOSS):	425,687.00	(15,983.56)	863,149.60		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)					
REVENUE:					
REGISTRATION REVENUE	25,500.00	-	22,950.00	2,550.00	90.00%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	550.00	10,150.00	2,850.00	78.08%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	-	2,250.00	150.00	93.75%
SPONSORSHIPS	9,000.00	-	7,700.00	1,300.00	85.56%
TOTAL REVENUE:	49,900.00	550.00	43,050.00	6,850.00	86.27%
DIRECT EXPENSES:					
FACILITIES	40,000.00	27,165.69	63,845.19	(23,845.19)	159.61%
SPEAKERS & PROGRAM DEVELOPMENT	1,400.00	-	500.94	899.06	35.78%
BANK FEES	560.00	-	170.07	389.93	30.37%
WSBC PRESIDENT TRAVEL	500.00	-	457.40	42.60	91.48%
OPTIONAL ACTIVITIES EXPENSE	1,500.00	-	1,719.91	(219.91)	114.66%
MARKETING EXPENSE	600.00	573.18	764.29	(164.29)	127.38%
STAFF TRAVEL/PARKING	2,300.00	135.83	1,068.51	1,231.49	46.46%
TOTAL DIRECT EXPENSES:	46,860.00	27,874.70	68,526.31	(21,666.31)	146.24%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	46,860.00	27,874.70	68,526.31	(21,666.31)	146.24%
NET INCOME (LOSS):	3,040.00	(27,324.70)	(25,476.31)		

Washington State Bar Association
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For the Period from April 1, 2018 to April 30, 2018
58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	484,380.00	4,711.25	451,908.75	32,471.25	93.30%
SEMINAR PROFIT SHARE	78,934.45	-	25,324.76	53,609.69	32.08%
INTEREST INCOME	1,371.00	-	-	1,371.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	4,027.14	(27.14)	100.68%
OTHER	44,525.00	1,235.00	26,520.00	18,005.00	59.56%
TOTAL REVENUE:	613,210.45	5,946.25	507,780.65	105,429.80	82.81%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,980.00	14,197.72	156,611.57	428,368.43	26.77%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	318,382.50	3,075.00	297,712.50	20,670.00	93.51%
TOTAL DIRECT EXPENSES:	903,362.50	17,272.72	454,324.07	449,038.43	50.29%
NET INCOME (LOSS):	(290,152.05)	(11,326.47)	53,456.58		

Washington State Bar Association

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For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,450,929.00	928,990.74	6,691,333.52	4,759,595.48	58.43%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	95,810.00	938.50	77,807.33	18,002.67	81.21%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(13,011.96)	(75,595.80)	(118,404.20)	38.97%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	2,400.00	2,400.00	50.00%
EMPLOYEE SERVICE AWARDS	2,010.00	-	1,205.39	804.61	59.97%
FICA (EMPLOYER PORTION)	862,300.00	69,410.27	486,058.36	376,241.64	56.37%
L&I INSURANCE	47,000.00	-	18,673.88	28,326.12	39.73%
MEDICAL (EMPLOYER PORTION)	1,445,000.00	121,530.75	848,558.19	596,441.81	58.72%
RETIREMENT (EMPLOYER PORTION)	1,439,735.00	115,971.72	811,203.74	628,531.26	56.34%
TRANSPORTATION ALLOWANCE	118,500.00	245.00	109,485.40	9,014.60	92.39%
UNEMPLOYMENT INSURANCE	108,000.00	8,000.22	43,461.31	64,538.69	40.24%
STAFF DEVELOPMENT-GENERAL	6,910.00	-	-	6,910.00	0.00%
TOTAL SALARY & BENEFITS EXPENSE:	15,266,994.00	1,232,075.24	9,014,591.32	6,252,402.68	59.05%
WORKPLACE BENEFITS	39,000.00	2,803.66	20,826.14	18,173.86	53.40%
HUMAN RESOURCES POOLED EXP	120,076.00	8,443.78	66,738.60	53,337.40	55.58%
MEETING SUPPORT EXPENSES	10,000.00	955.27	5,924.39	4,075.61	59.24%
RENT	1,750,000.00	141,795.15	1,042,544.94	707,455.06	59.57%
PERSONAL PROP TAXES-WSBA	11,000.00	1,075.95	6,407.05	4,592.95	58.25%
FURNITURE, MAINT, LH IMP	35,200.00	1,747.79	9,074.93	26,125.07	25.78%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	2,237.97	27,855.86	18,144.14	60.56%
FURN & OFFICE EQUIP DEPRECIATION	51,000.00	3,700.00	24,248.00	26,752.00	47.55%
COMPUTER HARDWARE DEPRECIATION	57,000.00	4,246.00	27,660.74	29,339.26	48.53%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	7,690.00	42,103.00	111,897.00	27.34%
INSURANCE	140,000.00	11,514.77	80,603.39	59,396.61	57.57%
PROFESSIONAL FEES-AUDIT	35,000.00	-	30,929.80	4,070.20	88.37%
PROFESSIONAL FEES-LEGAL	50,000.00	7,251.00	82,659.50	(32,659.50)	165.32%
TELEPHONE & INTERNET	49,000.00	3,417.94	24,824.31	24,175.69	50.66%
POSTAGE - GENERAL	42,000.00	3,007.68	17,842.96	24,157.04	42.48%
RECORDS STORAGE	40,000.00	6,125.99	25,297.76	14,702.24	63.24%
STAFF TRAINING	92,200.00	2,678.80	31,175.73	61,024.27	33.81%
BANK FEES	35,400.00	2,403.57	22,416.38	12,983.62	63.32%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	2,501.06	5,982.05	19,017.95	23.93%
COMPUTER POOLED EXPENSES	645,660.00	83,077.83	268,925.95	376,734.05	41.65%
TOTAL OTHER INDIRECT EXPENSES:	3,427,536.00	296,674.21	1,864,041.48	1,563,494.52	54.38%
TOTAL INDIRECT EXPENSES:	18,694,530.00	1,528,749.45	10,878,632.80		

Washington State Bar Association

Statement of Activities

For the Period from April 1, 2018 to April 30, 2018

58.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,068,125.00	1,379,524.40	8,859,898.36	6,208,226.64
ACCESS TO JUSTICE	(311,034.00)	(26,856.71)	(168,711.48)	(142,322.52)
ADMINISTRATION	(1,029,819.00)	(72,487.22)	(574,173.33)	(455,645.67)
ADMISSIONS/BAR EXAM	146,449.00	70,730.02	425,970.57	(279,521.57)
BOARD OF GOVERNORS	(802,807.00)	(68,129.01)	(433,818.09)	(368,988.91)
COMMUNICATIONS	(592,651.00)	(43,815.12)	(341,378.80)	(251,272.20)
CONFERENCE & BROADCAST SERVICES	(740,933.00)	(63,581.46)	(436,640.96)	(304,292.04)
DISCIPLINE	(5,601,229.00)	(459,737.25)	(3,222,460.05)	(2,378,768.95)
DIVERSITY	(345,401.00)	(36,979.87)	(148,691.70)	(196,709.30)
FOUNDATION	(168,653.00)	(15,464.68)	(91,877.29)	(76,775.71)
HUMAN RESOURCES	(271,830.00)	(32,539.44)	(223,718.20)	(48,111.80)
LAP	(124,243.00)	(9,820.59)	(69,002.64)	(55,240.36)
LEGISLATIVE	(151,443.00)	(6,363.89)	(56,446.09)	(94,996.91)
LICENSING AND MEMBERSHIP	(422,090.00)	(25,417.86)	(204,170.84)	(217,919.16)
LIMITED LICENSE LEGAL TECHNICIAN	(260,001.00)	(21,862.96)	(148,060.56)	(111,940.44)
LIMITED PRACTICE OFFICERS	(162,464.00)	(12,897.83)	(92,585.57)	(69,878.43)
MANDATORY CLE ADMINISTRATION	(17,768.00)	23,526.03	119,333.10	(137,101.10)
MEMBER BENEFITS	(166,568.00)	(16,031.14)	(83,541.46)	(83,026.54)
MENTORSHIP PROGRAM	(117,618.00)	(10,698.52)	(63,622.10)	(53,995.90)
NEW MEMBER PROGRAM	(245,129.00)	(14,358.24)	(47,295.92)	(197,833.08)
NW LAWYER	(121,357.00)	(29,175.96)	(54,621.01)	(66,735.99)
OFFICE OF GENERAL COUNSEL	(824,591.00)	(59,998.48)	(450,169.71)	(374,421.29)
OGC-DISCIPLINARY BOARD	(306,846.00)	(22,786.38)	(164,324.92)	(142,521.08)
OUTREACH & ENGAGEMENT	(387,527.00)	(33,458.35)	(197,796.29)	(189,730.71)
PRACTICE OF LAW BOARD	(118,633.00)	(9,588.89)	(69,836.01)	(48,796.99)
PRACTICE MANAGEMENT ASSISTANCE	(199,142.00)	(17,308.72)	(102,642.26)	(96,499.74)
PROFESSIONAL RESPONSIBILITY PROGRAM	(284,923.00)	(22,831.91)	(158,714.83)	(126,208.17)
PUBLICATION & DESIGN SERVICES	(162,381.00)	(13,167.05)	(95,351.26)	(67,029.74)
PUBLIC SERVICE PROGRAMS	(347,092.00)	(37,000.00)	(126,086.45)	(221,005.55)
LAW CLERK PROGRAM	(4,028.00)	(8,980.99)	50,276.64	(54,304.64)
SECTIONS ADMINISTRATION	(167,058.00)	(36,302.11)	35,604.89	(202,662.89)
TECHNOLOGY	(1,491,590.00)	(127,309.73)	(897,664.60)	(593,925.40)
CLE - PRODUCTS	736,738.00	9,622.87	525,514.62	211,223.38
CLE - SEMINARS	(580,239.00)	(43,335.43)	(406,417.14)	(173,821.86)
SECTIONS OPERATIONS	(290,152.05)	(11,326.47)	53,456.58	(343,608.63)
DESKBOOKS	(171,008.00)	(3,138.39)	(98,500.81)	(72,507.19)
CLIENT PROTECTION FUND	425,687.00	(15,983.56)	863,149.60	(437,462.60)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	3,040.00	(27,324.70)	(25,476.31)	28,516.31
INDIRECT EXPENSES	(18,694,530.00)	(1,528,749.45)	(10,878,632.80)	(7,815,897.20)
TOTAL OF ALL	19,302,739.05	1,501,405.04	9,199,225.12	10,103,513.93
NET INCOME (LOSS)	(608,209.05)	27,344.41	1,679,407.68	

**Washington State Bar Association
Analysis of Cash Investments
As of April 30, 2018**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 447,382

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.82%	\$ 5,555,432
UBS Financial Money Market	1.64%	\$ 796,790
Morgan Stanley Money Market	1.56%	\$ 25,949
Merrill Lynch Money Market	1.60%	\$ 1,897,135
Long Term Investments	Varies	\$ 3,245,989
Short Term Investments	Varies	\$ 3,749,000

General Fund Total **\$ 15,717,676**

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 1,843,408

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.82%	\$ 2,260,779
Morgan Stanley Money Market	1.39%	\$ 103,416
Wells Fargo Investments	Varies	\$ -

Lawyers' Fund for Client Protection Total **\$ 4,207,604**

Grand Total Cash & Investments **\$ 19,925,280**

**Washington State Bar Association
Analysis of Cash Investments
As of April 30, 2018**

Long Term Investments- General Fund

UBS Financial Long Term Investments
Nuveen 3-7 year Municipal Bond Portfolio

Value as of 4/30/2018
\$ 304,586.02

Morgan Stanley Long Term Investments

Lord Abbett Short Term Duration Income Fund
Guggenheim Total Return Bond Fund
Virtus Multi-Sector Short Term Bond Fund

Value as of 4/30/2018
\$ 780,804.29
\$ 1,089,461.43
\$ 1,071,137.20
\$ 2,941,402.92

Total Long Term Investments- General Fund 3,245,988.94

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>
Mizrahi Tefahot Bank	1.50%	1.50%	90 Days	5/2/2018	250,000.00
Bank of China NY	1.50%	1.50%	90 Days	5/15/2018	250,000.00
Berkshire Bank	1.35%	1.35%	90 Days	5/21/2018	250,000.00
TCF National Bank	1.45%	1.45%	90 Days	5/21/2018	250,000.00
Minn West Bank	1.60%	1.60%	90 Days	5/23/2018	250,000.00
Goldman Sachs	1.40%	1.40%	180 Days	5/29/2018	250,000.00
Mountain Commerce Bank	1.50%	1.50%	120 Days	6/20/2018	250,000.00
Bank of Baroda	1.60%	1.60%	180 Days	7/31/2018	250,000.00
State Bank of India NY	1.60%	1.60%	180 Days	8/7/2018	250,000.00
Bank of India NY	1.60%	1.60%	180 Days	8/8/2018	250,000.00
Live Oak Banking Company	1.65%	1.65%	180 Days	8/9/2018	250,000.00
Pacific Western Bank	1.65%	1.65%	180 Days	8/20/2018	249,000.00
Fortis Private Bank	1.65%	1.65%	180 Days	8/21/2018	250,000.00
Washington Federal Interest	1.65%	1.65%	240 days	10/12/2018	250,000.00
BNY Mellon	1.65%	1.65%	270 Days	10/30/2018	250,000.00

Total Short Term Investments- General Fund 3,749,000.00

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>

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associated Director for Finance

Re: Investment Update as of April 30, 2018 and May 31, 2018

Date: June 7, 2018

The last update on the investment portfolio showed a total value of \$3,256,597 as of March 31st. The portfolio value of \$3,245,988 as of April 30th represents a \$10,609 reduction from the prior month.

The portfolio balance of \$3,258,197 as of May 31st represents a \$12,209 increase from April.

The WSBA's investments are managed by our advisors at Morgan Stanley and UBS Financial. There has been no change in the make-up of the portfolio since the last report. As of May 31st we have an aggregate gain across all funds of \$230,182 since first creating an investment portfolio with an actual percentage gain of 7.13%. The breakdown by fund is as follows:

INVESTMENT FUND	3/31/18 Value	4/30/18 Value	\$ Gain/(Loss) Over 1 Year	\$ Gain/(Loss) Over 5 Years	\$ Gain/(Loss) Since Inception	% Gain/(Loss) Since Inception
Nuveen 3-7 year Municipal Bond Portfolio	\$306,248	\$304,586	\$4,817	N/A	\$4,586	0.92.% ¹
Lord Abbett & Company Short Term Duration Income Fund	\$782,100	\$780,804	\$20,029	\$178,863 ²	\$152,789 ³	10.70%
Guggenheim Total Return Bond Fund	\$1,092,722 ⁴	\$1,089,461	\$20,293	N/A	\$39,461	6.07%
Virtus Multi-Sector Short Term Bond Fund	\$1,075,527 ⁴	\$1,071,137	\$1,073	N/A	\$21,137	3.25%
Total	\$3,256,597	\$3,245,988	\$46,212	\$174,292	\$217,973⁵	6.75%

INVESTMENT FUND	4/30/18 Value	5/31/18 Value	\$ Gain/(Loss) Over 1 Year	\$ Gain/(Loss) Over 5 Years	\$ Gain/(Loss) Since Inception	% Gain/(Loss) Since Inception
Nuveen 3-7 year Municipal Bond Portfolio	\$304,586	\$308,169	\$327	N/A	\$8,169	1.63%
Lord Abbett & Company Short Term Duration Income Fund	\$780,804	\$783,386	\$17,684	\$176,874 ²	\$155,371 ³	10.88%
Guggenheim Total Return Bond Fund	\$1,089,461 ⁴	\$1,095,497	\$20,624	N/A	\$45,497	7.00%
Virtus Multi-Sector Short Term Bond Fund	\$1,071,137 ⁴	\$1,071,145	(\$1,729)	N/A	\$21,145	3.25%
Total	\$3,245,988	\$3,258,197	\$36,906	\$176,874	\$230,182⁵	7.13%

¹ Original purchase price was \$499,194 in November 2009. \$170,000 was withdrawn from this fund in June 2016. Gain/(loss) comparisons are based on value of fund after June 2016 withdrawal. \$500,000 will be considered the "Inception Value". \$200,000 moved to general fund operating account 11/22/17.

² Comparison price for 5 years is based on the combination of the original investment of \$281,680 (in June 2013), the Legg Mason fund (transferred to Lord Abbett in May 2014), Hays Advisory Fund (liquidated and transferred to Lord Abbett in March 2015), and Tradewinds NWQ Fund (liquidated and transferred to Lord Abbett in July 2013).

³ Purchase price is \$1,428,015 which includes \$500,020 original purchase plus \$599,995 purchase of Legg Mason transferred over to Lord Abbett as of May 9, 2014 and \$328,000 from liquidation of Hays Advisory Fund on March 3, 2015.

⁴ Purchase price is \$650,000. \$800,000 was re-distributed from Lord Abbett on Sept 19, 2017. \$400,000 each to Guggenheim and Virtus.

⁵ Per policy, when since inception gain exceeds \$100,000, monies are to be moved to WSBA operating account(s). \$200,000 was moved on November 22, 2017.



Board of Governors Meeting
WSBA Conference Center
Seattle, WA
September 27-28, 2018

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

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

THURSDAY, SEPTEMBER 27, 2018

GENERAL INFORMATION XX

1. AGENDA XX

8:00 A.M.

2. EXECUTIVE SESSION

- a. Approval of July 27-28, 2018, Executive Session Minutes (**action**) E-xx
- b. President's and Executive Director's Reports
- c. Report on Executive Director Annual Evaluation – Angela Hayes and Paula Littlewood..... E-xx
- d. Litigation Report – Julie Shankland..... E-xx
- e. Meeting Evaluation Summary..... E-xx

12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS

1:00 P.M. – PUBLIC SESSION

- Welcome
- Report on Executive Session
- President's Report & Executive Director's Report
- Consideration of Consent Calendar*

MEMBER AND PUBLIC COMMENTS

This time period is for guests to raise issues of interest.

OPERATIONAL

3. FIRST READING/ACTION CALENDAR

- a. Washington State Bar Foundation (WSBF) Annual Meeting – James Armstrong, President, and Terra Nevitt, Director of Advancement/Chief Development Officer
- b. Final WSBA FY2019 Budget – Treasurer Kim Risenmay, Chair; Ann Holmes, Chief Operations Officer; and Tiffany Lynch, Associate Director of Finance (**action**) XX

* See Consent Calendar. Any items pulled from the Consent Calendar will be scheduled at the President's discretion.

STRATEGIC ITEMS

4. ANNUAL DISCUSSION WITH DEANS OF WASHINGTON STATE LAW SCHOOLS

FRIDAY, SEPTEMBER 28, 2018

8:00 A.M. – EXECUTIVE SESSION (*tentative*)

9:00 A.M. – PUBLIC SESSION

OPERATIONAL (continued)

5. FIRST READING/ACTION CALENDAR (continued)

- c. Approve Keller Deduction Schedule (**action**) XX
- d. Approve Recommendations from Civil Litigation Rules Drafting Task Force (**action**) XX
- e. Approve Proposed Bylaw Amendment re Endorsing Candidates – Governor Chris Meserve (**action**)..... XX
- f. Approve Recommendations from Court Rules and Procedures Committee (**action**)..... XX
- g. Approve WSBA Mission Performance and Review Committee (CMPR) Update and Recommendations (**action**) XX
- h. Proposed Bylaw Amendments re Governance (**first reading**) XX
- i. Update from Addition of New Governors Work Group – Governor Alec Stephens and Governor Dan Bridges, Co-Chairs XX

GOVERNOR ROUNDTABLE

This time period is for Board members to raise new business and issues of interest.

OPERATIONAL (continued)

- 6. CONSENT CALENDAR..... XX
 - a. July 27-28, 2018, Public Session Minutes XX
- 7. INFORMATION
 - a. Executive Director's Report XX
 - b. Activity Reports..... XX
 - c. Chief Hearing Officer Annual Report XX
 - d. Access to Justice Board Report..... XX
 - e. Legal Foundation of Washington and LAW Fund Report XX
 - f. ABA Annual Meeting Report..... XX
 - g. Professionalism Annual Report..... XX
 - h. Diversity and Inclusion Events XX
 - i. Financial Statements
- 8. PREVIEW OF NOVEMBER 16, 2018, MEETING..... XX

2017-2018 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Financials
- FY2017 Fourth Quarter Management Report
- BOG 2017-2018 Legislative Committee Priorities
- WSBA Legislative Committee Recommendations
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (information)
- WSBF Annual Report

JANUARY (Bellingham)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CFP) Board Annual Report
- Financials
- FY2017 Audited Financial Statements
- FY2018 First Quarter Management Report
- Legislative Report
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Third-Year Governors Candidate Recruitment Report

MARCH (Olympia)

Standing Agenda Items:

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

May (Seattle)

Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2018 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- WSBA Awards Committee Recommendations (Executive Session)

JULY (Vancouver)

Standing Agenda Items:

- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2019 Budget
- FY2018 Third Quarter Management Report
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

SEPTEMBER (Seattle)

Standing Agenda Items:

- ATJ Board Report
- 2019 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2019 Budget
- Legal Foundation of Washington and LAW Fund Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

Board of Governors – Action Timeline

Description of Matter/Issue	First Reading	Scheduled for Board Action
Continuing Legal Education (CLE) Revenue Sharing Model	May 17-18, 2018	July 27-28, 2018
Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) License Fees and Client Protection Fund Assessment	May 17-18, 2018	July 27-28, 2018
WSBA FY2019 Budget	July 27-28, 2018	Sept 27-28, 2018
WSBA Mission and Performance and Review Committee (CMPR) Update and Recommendations	July 27-28, 2018	Sept 27-28, 2018
Recommendations from Court Rules and Procedures Committee	July 27-28, 2018	Sept 27-28, 2018